



# The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JULY 9, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and is hereby promulgated for general information:—

Act No. XVIII of 1870.

*Act to enable the Government of India to exempt goods from customs duties.*

For the purpose of enabling the Governor General of India in Council to exempt goods from duties of customs; It is hereby enacted as follows:—

1. The said Governor General in Council may from time to time, by notification in the *Gazette of India*, exempt any goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of the duties of customs to which they are liable under the Indian Customs Duties' Act, 1870, or any other law for the time being in force relating to such duties,

Power to exempt from customs duties.

and may, by like notification, cancel any such exemption.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th July 1870, and is hereby promulgated for general information:—

Act No. XIX of 1870.

*An Act to enable the Directors of the Bank of Bengal to act by a quorum.*

Whereas section thirteen of the Act for regulating the Bank of Bengal (No. I of 1862) declares that the business of the said Bank shall be managed by all Directors, but does not authorize such business to be managed by a less number; and whereas it is expedient to provide that such business may be managed by a quorum; It is hereby enacted as follows:—

1. The said section shall be construed as amended after the words "more Directors," the words "of which three shall be a quorum" are inserted.

2. No act heretofore done by a number less than the said Directors less than nine shall be deemed invalid on any ground of its having been done by such less number.

Validation of acts of Directors.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and is hereby promulgated for general information:—

Act No. XX of 1870.

*An Act to correct two clerical errors in the Court Fees' Act, 1870.*

For the purpose of correcting two clerical errors in the Court Fees' Act, 1870; It is hereby enacted as follows:—

1. Section fifteen of the said Act shall be read as if for the words "plaint or memorandum of appeal," the word "application" were substituted; and in Schedule I to the said Act annexed, Number two shall be read as if the words "or memorandum of appeal" were omitted therefrom.

Corrections of Act  
VII of 1870, section  
15, and Schedule I,  
No. 2.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.*



# Gazette of India.

Published by Authority.

LA, SATURDAY, JULY 16, 1870.

given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Governor General's Council assented to by the Governor General.

OF INDIA.

### DEPARTMENT.

The Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and is hereby promulgated for general information:—

Act No. XVIII of 1870.

*to enable the Government of India to exempt goods from customs duties.*

the purpose of enabling the Governor General of India in Council to exempt goods from duties of

It is hereby enacted as follows:—

the said Governor General in Council may from time to time, by notification in the *Gazette of India*, exempt any goods imported into or from British India, or from any specified port or place therein, whole or any part of the duties of which they are liable under the Indian Duties' Act, 1870, or any other law for the time being in force relating to such duties,

and may, by like notification, cancel any such exemption.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and is hereby promulgated for general information:—

Act No. XIX of 1870.

*An Act to enable the Directors of the Bank of Bengal to act by a quorum.*

Whereas section thirteen of the Act for regulating the Bank of Bengal (No. IV of 1862) declares that the business of the said Bank shall be managed by nine Directors, but does not authorize such business to be managed by a less number; and whereas it is expedient to provide that such business may be managed by a quorum; It is hereby enacted as follows:—

1. The said section shall be construed as if after the words "more Directors," the words "of whom three shall be a quorum and" were inserted.

2. No act heretofore done by a number of the said Directors less than nine shall be deemed invalid by reason only of its having been done by such less number.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and is hereby promulgated for general information:—

Act No. XX of 1870.

*An Act to correct two clerical errors in the Court Fees' Act, 1870.*

For the purpose of correcting two clerical errors in the Court Fees' Act, 1870, It is hereby enacted as follows:—

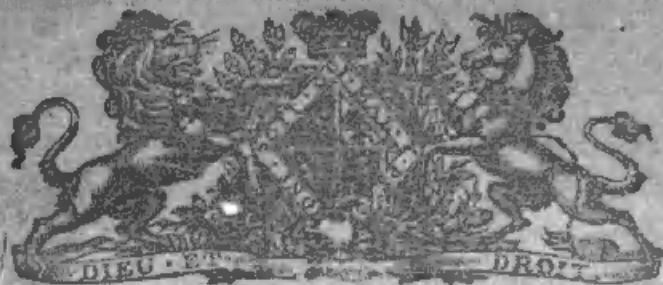
1. Section fifteen of the said Act shall be read as if for the words "plaint or memorandum of appeal," the word "application" were substituted; and in Schedule I to the said Act annexed, Number two shall be read as if the words "or memorandum of appeal" were omitted therefrom.

Corrections of Act VII of 1870, section 15, and Schedule I, No. 2.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.*





# Gazette of India.

Published by Authority.

MLA, SATURDAY, JULY 28, 1870.

is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Governor General's Council assented to by the Governor General.

NT OF INDIA.

### DEPARTMENT.

The Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and is hereby promulgated for general information:—

No. XVIII of 1870.

able the Government of India to exempt goods from customs duties.

purpose of enabling the Governor General of India in Council to exempt goods from duties of is hereby enacted as follows:—

said Governor General in Council may from time to time, by notification in the *Gazette of India*, exempt any goods imported into or from British India, or any specified port or place therein, from any part of the duties which they are liable under the Indian Duties' Act, 1870, or any other law for in force relating to such duties,

and may, by like notification, cancel any such exemption.

WHITLEY STOKES,

to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and is hereby promulgated for general information:—

Act No. XIX of 1870.

An Act to enable the Directors of the Bank of Bengal to act by a quorum.

Whereas section thirteen of the Act for regulating the Bank of Bengal (No. IV of 1862) declares that the business of the said Bank shall be managed by nine Directors, but does not authorize such business to be managed by a less number; and whereas it is expedient to provide that such business may be managed by a quorum; It is hereby enacted as follows:—

1. The said section shall be construed as if after the words "more Directors," the words "of whom three shall be a quorum and" were inserted.

2. No act heretofore done by a number of the said Directors less than nine shall be deemed invalid by reason only of its having been done by such less number.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and is hereby promulgated for general information:—

ACT No. XX OF 1870.

*An Act to correct two clerical errors in the Court Fees Act, 1870.*

For the purpose of correcting two clerical errors in the Court Fees Act, 1870; It is hereby enacted as follows:—

1. Section fifteen of the said Act shall be read as if for the words "plaint or memorandum of appeal," the word "application" were substituted; and in Schedule I to the said Act annexed, Number two shall be read as if the words "or memorandum of appeal" were omitted therefrom.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th day of July 1870, and is hereby promulgated for general information:—

ACT No. XXI OF 1870.

*An Act to regulate the Wills of Hindús, Jains, Sikhs and Buddhists in the Lower Provinces of Bengal and in the towns of Madras and Bombay.*

Whereas it is expedient to provide rules for the execution, attestation, revocation, revival, interpretation and probate of the wills of Hindús, Jains, Sikhs and Buddhists in the territories subject to the Lieutenant-Governor of Bengal and in the towns of Madras and Bombay; It is hereby enacted as follows:—

1. This Act may be called "The Hindú Wills Act, 1870."

2. The following portions of the Indian Succession Act, 1865, namely,—

Certain portions of Succession Act extended to wills of Hindús, Jains, Sikhs and Buddhists.

sections forty-six, forty-eight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventy-seven (both inclusive),

sections eighty-two, eighty-three, eighty-five, eighty-eight to one hundred and three (both inclusive),

sections one hundred and six to one hundred and seventy-seven (both inclusive),

sections one hundred and seventy-nine to one hundred and eighty-nine (both inclusive),

sections one hundred and ninety-one to one hundred and ninety-nine (both inclusive),

so much of Parts XXX and XXXI as relates to grants of probate and letters of administration with the will annexed, and

Parts XXXIII to XL (both as they relate to an executor and with the will annexed,

shall, notwithstanding any section three hundred and thirty of the said Act, apply—

(a) to all wills and codicils

Extent of Act. Jaina, Sikh

after the number one thousand eight hundred and thirty within the said territories or ordinary original civil jurisdiction of the Courts of Judicature at Madras and Bombay.

(b) to all such wills and those territories and limits, moveable property situate or limits:

3. P

Proviso. shall not be or codicil

And that nothing herein shall prevent a testator to bequeath any property to any persons of any right of inheritance for section two of this Act, them by will:

And that nothing herein shall prevent the executor or administrator of a deceased person and any person could not have alienated any property by will:

And that nothing herein shall prevent any law of adoption or intestacy.

And that nothing herein shall prevent any Hindú, Jaina, Sikh in property any interest created before the year one thousand eight hundred and thirty.

4. On and from that day section Regulation

Partial repeal of Bengal Regulation V of 1799, section 2. be repealed so that the executors are not Muhammadans are subject to the jurisdiction of a Court in the territories subject to the Lieutenant-Governor of Bengal.

5. Nothing contained in this Act

Saving of rights of Administrator General. the rights, duties and powers of the Administrator of Bengal, Madras and Bombay respectively.

6. In this Act and in the said

Interpretation-clause. Parts of the Indian Act all words defined in three of the same Act shall, unless the thing repugnant in the subject or context to have the same meaning as the said Act has attached to such words respectively.

And in applying sections sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three and one hundred and four of the said Succession Act all wills and codicils made under this Act "son," "sons," "child" and "children" shall be deemed to include an adopted child;

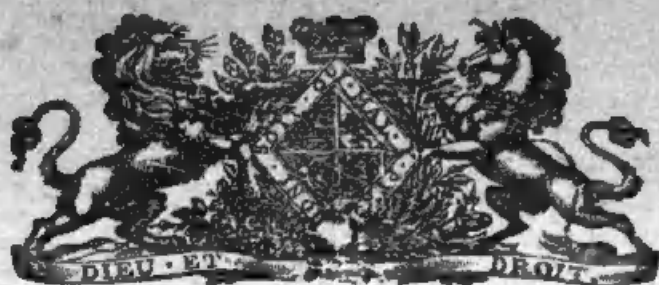
"grand-children" shall be deemed to include the children, whether adopted or natural-born, of a child whether adopted or natural-born; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son:

And in making grants under this Act of letters of administration with the will annexed, or with a copy of the will annexed, section one hundred and ninety-five of the said Succession Act shall be construed as if the words "and in case the Hindú Wills' Act had not been passed" were added thereto; and section one hundred and ninety-eight

of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindú Wills' Act had not been passed" were inserted; and sections two hundred and thirty and two hundred and thirty-one of the said Succession Act shall be construed as if the words "if the Hindú Wills' Act had not been passed" were added thereto, respectively.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.*



# The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JULY 30, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

### Acts of the Governor General's Council assented to by the Governor General.

#### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th day of July 1870, and is hereby promulgated for general information:—

Act No. XXI of 1870.

*An Act to regulate the Wills of Hindús, Jainas, Sikhs and Buddhists in the Lower Provinces of Bengal and in the towns of Madras and Bombay.*

Whereas it is expedient to provide rules for the execution, attestation, revocation, revival, interpretation and probate of the wills of Hindús, Jainas, Sikhs and Buddhists in the territories subject to the Lieutenant-Governor of Bengal and in the towns of Madras and Bombay; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Hindú Wills Act, 1870."

2. The following portions of the Indian Succession Act, 1865, namely,—

Certain portions of Succession Act extended to wills of Hindús, Jainas, Sikhs and Buddhists.

sections forty-six, forty-eight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventy-seven (both inclusive),

sections eighty-two, eighty-three, eighty-five, eighty-eight to one hundred and three (both inclusive),

sections one hundred and six to one hundred and seventy-seven (both inclusive),

sections one hundred and seventy-nine to one hundred and eighty-nine (both inclusive),

sections one hundred and ninety-one to one hundred and ninety-nine (both inclusive),

so much of Parts XXX and XXXI as relates to grants of probate and letters of administration with the will annexed, and

Parts XXXIII to XL (both inclusive), so far as they relate to an executor and an administrator with the will annexed,

shall, notwithstanding anything contained in section three hundred and thirty-one of the said Act, apply—

(a) to all wills and codicils made by any Hindú, Jaina, Sikh or Buddhist, on or after the first day of September one thousand eight hundred and seventy, within the said territories or the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Madras and Bombay; and

(b) to all such wills and codicils made outside those territories and limits, so far as relates to immoveable property situate within those territories or limits:

Proviso.

3. Provided that marriage shall not revoke any such will or codicil:

And that nothing herein contained shall authorise a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any right of maintenance of which, but



for section two of this Act, he could not deprive them by will :

And that nothing herein contained shall vest in the executor or administrator with the will annexed of a deceased person any property which such person could not have alienated *inter vivos* :

And that nothing herein contained shall affect any law of adoption or intestate succession :

And that nothing herein contained shall authorise any Hindú, Jaina, Sikh or Buddhist to create in property any interest which he could not have created before the first day of September one thousand eight hundred and seventy.

4. On and from that day section two of Bengal Regulation V of 1799 shall be repealed so far as relates to the executors of persons who are not Muhammadans, but are subject to the jurisdiction of a District Court in the territories subject to the Lieutenant-Governor of Bengal.

5. Nothing contained in this Act shall affect the rights, duties and privileges of the Administrators General of Bengal, Madras and Bombay, respectively.

6. In this Act and in the said sections and Parts of the Indian Succession Act all words defined in section three of the same Act shall, unless there be something repugnant in the subject or context, be deemed

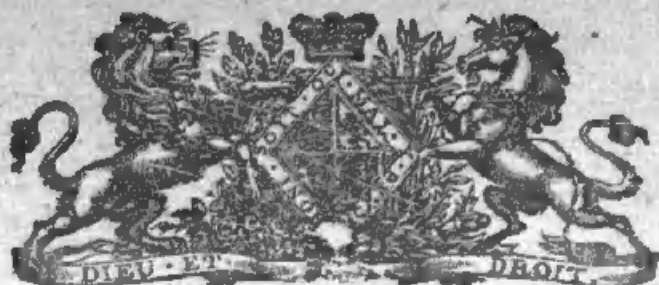
to have the same meaning as the said section three has attached to such words respectively :

And in applying sections sixty-two, sixty-three, ninety-two, ninety-six, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three and one hundred and eighty-two of the said Succession Act, to wills and codicils made under this Act, the words "son," "sons," "child" and "children" shall be deemed to include an adopted child ; and the word "grand-children" shall be deemed to include the children, whether adopted or natural-born, of a child whether adopted or natural-born ; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son :

And in making grants under this Act of letters of administration with the will annexed, or with a copy of the will annexed, section one hundred and ninety-five of the said Succession Act shall be construed as if the words "and in case the Hindú Wills' Act had not been passed" were added thereto ; and section one hundred and ninety-eight of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindú Wills' Act had not been passed" were inserted ; and sections two hundred and thirty and two hundred and thirty-one of the said Succession Act shall be construed as if the words "if the Hindú Wills' Act had not been passed" were added thereto, respectively.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.



# The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, AUGUST 6, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th day of July 1870, and is hereby promulgated for general information:—

Act No. XXI of 1870.

*And Act to regulate the Wills of Hindús, Jainas, Sikhs and Buddhists in the Lower Provinces of Bengal and in the towns of Madras and Bombay.*

Whereas it is expedient to provide rules for the execution, attestation, revocation, revival, interpretation and probate of the wills of Hindús, Jainas, Sikhs and Buddhists in the territories subject to the Lieutenant-Governor of Bengal and in the towns of Madras and Bombay; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Hindú Wills Act, 1870."

2. The following portions of the Indian Succession Act, 1865, namely,—

Certain portions of Succession Act extended to wills of Hindús, Jainas, Sikhs and Buddhists.

sections forty-six, forty-eight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventy-seven (both inclusive),

sections eighty-two, eighty-three, eighty-five, eighty-eight to one hundred and three (both inclusive),

sections one hundred and six to one hundred and seventy-seven (both inclusive),

sections one hundred and seventy-nine to one hundred and eighty-nine (both inclusive),

sections one hundred and ninety-one to one hundred and ninety-nine (both inclusive),

so much of Parts XXX and XXXI as relates to grants of probate and letters of administration with the will annexed, and

Parts XXXIII to XL (both inclusive), so far as they relate to an executor and an administrator with the will annexed,

shall, notwithstanding anything contained in section three hundred and thirty-one of the said Act, apply—

(a) to all wills and codicils made by any Hindú, Jaina, Sikh or Buddhist, on or

Extent of Act. after the first day of September one thousand eight hundred and seventy, within the said territories or the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Madras and Bombay; and

(b) to all such wills and codicils made outside these territories and limits, so far as relates to immoveable property situate within those territories or limits:

Proviso.

3. Provided that marriage shall not revoke any such will or codicil:

And that nothing herein contained shall authorise a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any ~~rights~~ maintenance of which, but

for section two of this Act, he could not deprive them by will:

And that nothing herein contained shall vest in the executor or administrator with the will annexed of a deceased person any property which such person could not have alienated *inter vivos*:

And that nothing herein contained shall affect any law of adoption or intestate succession:

And that nothing herein contained shall authorise any Hindú, Jaina, Sikh or Buddhist to create in property any interest which he could not have created before the first day of September one thousand eight hundred and seventy.

4. On and from that day section two of Bengal Regulation V of 1799 shall be repealed so far as relates to the executors of persons who are not Muhammadans, but are subject to the jurisdiction of a District Court in the territories subject to the Lieutenant-Governor of Bengal.

5. Nothing contained in this Act shall affect the rights, duties and privileges of the Administrators General of Bengal, Madras and Bombay, respectively.

6. In this Act and in the said sections and Parts of the Indian Succession Act all words defined in section three of the same Act shall, unless there be something repugnant in the subject or context, be deemed

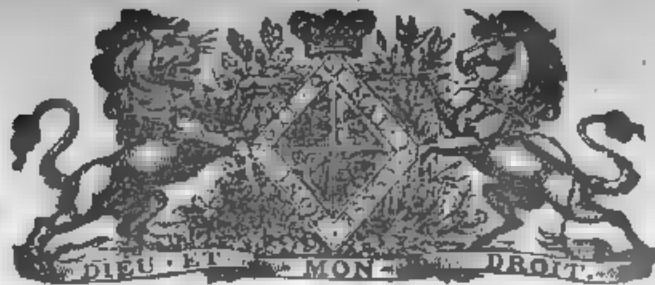
to have the same meaning as the said section three has attached to such words respectively:

And in applying sections sixty-two, sixty-three, ninety-two, ninety-six, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three and one hundred and eighty-two of the said Succession Act, to wills and codicils made under this Act, the words "son," "sons," "child" and "children" shall be deemed to include an adopted child; and the word "grand-children" shall be deemed to include the children, whether adopted or natural-born, of a child whether adopted or natural-born; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son:

And in making grants under this Act of letters of administration with the will annexed, or with a copy of the will annexed, section one hundred and ninety-five of the said Succession Act shall be construed as if the words "and in case the Hindú Wills' Act had not been passed" were added thereto; and section one hundred and ninety-eight of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindú Wills' Act had not been passed" were inserted; and sections two hundred and thirty and two hundred and thirty-one of the said Succession Act shall be construed as if the words "if the Hindú Wills' Act had not been passed" were added thereto, respectively.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.



# The Gazette of India.

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SIMLA, SATURDAY, SEPTEMBER 3, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 30th August 1870, and is hereby promulgated for general information:—

Act No. XXII of 1870.

*An Act to confirm certain laws affecting European British subjects.*

Whereas the Governors of the Presidencies of Fort St. George and Bombay in Council, and the Lieutenant-Governor of Bengal in Council, have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects liable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madras and Bombay; and whereas doubts have also been raised as to the application to European British subjects of certain Acts of the Governor General in Council: For the purpose of removing such doubts it is hereby enacted as follows:—

1. Every such Act passed by the Governor of the Presidency of Madras in Council, or by the Governor of the Presidency of Bombay in Council, or by the Lieutenant-Governor of Bengal in Council, shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to have been as valid as if it had been

passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations.

2. Unless there be something repugnant in the context, all Acts heretofore or hereafter passed by the Governor General in Council, which confer summary jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

3. Act No. XVIII of 1859 (to amend the law relating to offences declared to be punishable on conviction before a Magistrate) shall be construed as if, in sections one, two and four, after the word 'heretofore' the words 'or hereafter' were inserted.

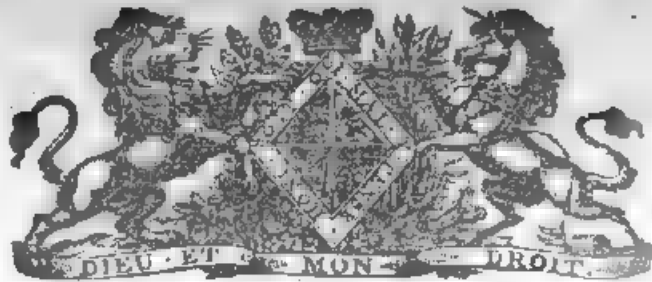
4. Nothing in this Act shall be taken to authorize a Magistrate to exceed the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace.

5. All Magistrates and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been then in force; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.





# The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, SEPTEMBER 10, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

### Acts of the Governor General's Council assented to by the Governor General.

#### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 30th August 1870, and is hereby promulgated for general information:—

Act No. XXII of 1870.

*An Act to confirm certain laws affecting European British subjects.*

Whereas the Governors of the Presidencies of Fort St. George and Bombay in Council, and the Lieutenant-Governor of Bengal in Council, have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects liable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madras and Bombay; and whereas doubts have also been raised as to the application to European British subjects of certain Acts of the Governor General in Council; For the purpose of removing such doubts it is hereby enacted as follows:—

1. Every such Act passed by the Governor of the Presidency of Madras in Council, or by the Governor of the Presidency of Bombay in Council, or by the Lieutenant-Governor of Bengal in Council, shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to have been as valid as if it had been

passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations.

2. Unless there be something repugnant in the context, all Acts heretofore or hereafter passed by the Governor General in Council, which confer summary jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

3. Act No. XVIII of 1859 (to amend the law relating to offences declared to be punishable on conviction before a Magistrate) shall be construed as if, in sections one, two and four, after the word 'heretofore' the words 'or hereafter' were inserted.

4. Nothing in this Act shall be taken to authorize a Magistrate to exceed the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace.

5. All Magistrates and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been then in force; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th September 1870, and is hereby promulgated for general information:—

ACT No. XXIII OF 1870.

## THE INDIAN COINAGE ACT, 1870.

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#### SCHEDULE

*An Act to consolidate and amend the Law relating to Coinage and the Mint.*

Whereas it is expedient to consolidate and amend the law relating to coinage and the mint; It is hereby enacted as follows:—

Preamble.

#### I.—Preliminary.

1. This Act may be called "The Indian Coinage Act, 1870."

Short title.

2. The Regulations and Acts mentioned in the Schedule here-to annexed are repealed.

Repeal of enactments.

3. In this Act, the expression 'Mint' includes the Mints at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council, by notification in the *Gazette of India*, from time to time, directs:

the expression 'Mint-rules' means such rules as the Governor General in Council from time to time prescribes for the management of the Mint;

and the expression 'remedy' means variation from the standard weight and fineness.

#### II.—Gold Coinage.

4. The under-mentioned gold coins only shall be coined at the Mint:—

Gold Coins.

- (1.)—A gold mohur or fifteen-rupee piece.
- (2.)—A five-rupee piece equal to a third of a gold mohur.
- (3.)—A ten-rupee piece equal to two-thirds of a gold mohur.
- (4.)—A thirty-rupee piece or a double gold mohur.

5. The standard weight of the said gold mohur shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows:—eleven twelfths, or one hundred and sixty-five grains, of fine gold, and one twelfth, or fifteen grains, of alloy.

The other gold coins shall be of proportionate weight and of the same fineness:

Provided that in the making of gold coins a remedy shall be allowed of an amount not exceeding two thousandths in weight and two thousandths in fineness.

Remedy allowed.

#### III.—Silver Coinage.

6. The under-mentioned silver coins only shall be coined at the Mint:—

Silver Coins.

- (1.)—A rupee to be called the Government Rupee.
- (2.)—A half rupee.
- (3.)—A quarter rupee, or four-anna piece.
- (4.)—An eighth of a rupee, or two-anna piece.

7. The standard weight of the Government Rupee shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows:—eleven-twelfths, or one hundred and sixty-five grains, of fine silver, and one-twelfth, or fifteen grains, of alloy.

The other silver coins shall be of proportionate weight and of the same fineness:

Provided that in the making of silver coins a remedy shall be allowed of an amount not exceeding the following:—

	Remedy in weight.	Remedy in fineness.
Rupee	Five thousandths	Two thousandths.
Half rupee	Seven thousandths	Three thousandths.
Quarter rupee	Ten thousandths	
Eighth of a rupee		

#### IV.—Copper Coinage.

8. The under-mentioned copper coins only shall be coined at the Mint:—

- (1.)—A double pice or half anna.
- (2.)—A pice or quarter anna.
- (3.)—A half pice or one-eighth of an anna.
- (4.)—A pie, being one-third of a pice or one-twelfth of an anna.

9. The weight of the double pice shall be two hundred grains Troy.

The other copper coins shall be of proportionate weight:

Provided that in the making of copper coins a remedy shall be allowed of an amount not exceeding one fortieth in weight.

#### V.—Devices on Coins.

10. Until the Governor General in Council otherwise orders under the power hereinafter conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India," with such date and embellishments, on each coin as the Governor General in Council from time to time determines.

11. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he thinks fit.

#### VI.—Legal Tender.

12. No gold coin shall be a legal tender in payment or on account.

13. The said rupee and half rupee shall be a legal tender in payment of on account:

Provided that the coin has not lost more than two per cent. in weight:

Provided also that it has not been clipped or filed, or defaced or diminished otherwise than by use.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the second proviso contained in this section.

14. The double pice shall be a legal tender for the thirty-second part of a rupee or for half an anna;

the pice for the sixty-fourth part of a rupee or for one-fourth of an anna;

the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna;

and the pie for the hundred and ninety-second part of a rupee or for one-twelfth of an anna:

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

15. All silver coin of the weight and standard specified in the Acts No. XVII of 1835, No. XXI of 1838, and Act No. XIII of 1862 issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXI of 1844, and No. XIII of 1862 issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything contained in this Act or in any Act hereby repealed notwithstanding.

#### VII.—Diminished, Counterfeit, or Called-in Coin.

16. When any silver coin purporting to be coined and issued under the authority of the Government of India is tendered to any officer authorized by the Governor General in Council or the Local Government to act under this section, who has reason to believe it to have lost, by reasonable wearing, more than two per cent. in weight,

or to be counterfeit,

or to have been reduced in weight otherwise than by reasonable wearing,

or to be called-in by any proclamation,

he may, by himself or another

(subject to the rules which the Governor General in Council prescribes in this behalf),

cut or break such coin.

**17.** If any coin so cut or broken is counterfeit, or has been reduced in weight otherwise than by reasonable wearing, the pieces shall be returned to the person tendering the coin, and he shall bear the loss caused by such cutting or breaking.

But if it has been coined and issued by the authority of the Government of India, and has lost by reasonable wearing more than two per cent. in weight or has been called-in by any proclamation, the officer cutting or breaking the same shall receive it at the rate of one rupee per tola.

**18.** All public servants are hereby indemnified for anything done heretofore, which they might lawfully have done if this Act had been in force and if they had been authorized under section sixteen; and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

No suit or other proceeding shall be maintained against any person in respect of anything done by him *bona fide* pursuant to this Act.

#### *VIII. Coinage of Bullion.*

**19.** Subject to the Mint-rules for the time being in force, the Mint Master shall receive all gold and silver bullion and coin brought to the Mint:

Provided that such bullion and coin be fit for coinage:

Provided also that the quantity so brought at one time by one person is not less, in the case of gold, than fifty tolas, and, in the case of silver, than one thousand tolas.

**20.** A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin brought for coinage to the Mint in accordance with the said Mint-rules.

**21.** All silver bullion or coin brought for coinage to the Mint, in accordance with the said Mint-rules, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

**22.** A charge of one fourth per mille on gold bullion and coin and of one per mille on silver bullion and coin, shall also be levied for melting or cutting such bullion and coin so as to render the same fit for receipt into the Mint.

**23.** All gold and silver bullion and coin brought to the Mint for coinage and which is inferior to the standard fineness prescribed by this Act, or which, from brittleness or other cause, is unfit for coinage, shall, in case it is refined, be subject, in addition to the duty and charge aforesaid, to such charge

on account of the loss and expense of refining, as the Governor General in Council prescribes in this behalf.

**24.** The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

**25.** The proprietor of any bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may, within twenty-four hours after receiving such report, and subject to the payment of the fee prescribed in this behalf by the Governor General in Council, withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

**26.** For all gold bullion and coin, in respect of which the Assay Master has granted a certificate, payment shall be made, as nearly as may be, in gold coins coined under this Act or Act No. XVII of 1835; and the balance (if any) due to the proprietor shall be paid in silver, or in silver and copper, coins current in British India.

#### *IX.—Power to make Rules.*

**27.** The Governor General in Council may, from time to time,

(1) fix the number and duties of the officers of, and persons employed in, the Mint:

(2) make rules and give directions (subject to the provisions of this Act, and any notification made thereunder) respecting the management of the Mint, and revoke and alter such rules and directions.

**28.** The Governor General in Council may also, from time to time, by notification in the *Gazette of India*,—

(1) diminish the amount of remedy allowed by sections five, seven and nine in the case of any coin:

(2) determine in the case of any coin the date and embellishments to be put thereon:

(3) call-in coins of any date or denomination, or any coins coined before the date in the notification mentioned:

(4) prescribe rules for the guidance of officers authorized to cut or break coin under section sixteen:

(5) prescribe the charge to be made on account of the loss and expense of refining:

(6) determine the period for which certificates granted under section twenty-four shall run:

(7) fix the fee payable under section twenty-five:

(8) establish a Mint at any place in British India other than Calcutta and Bombay;

(9) abolish any Mint so established or any Mint now existing in British India:

(10) regulate any matters relative to coinage and to the Mint, which are not provided for by this Act.



(11) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act.

## SCHEDULE.

Number and year.	Title or subject.
Bengal Regulation II of 1812 ...	A Regulation for levying a Duty on the Coinage of Silver Bullion and on the Re-coinage of Rupees, and other Coins with certain Exceptions at the Mints established at Calcutta, Farruckabad, and Benares; for defining the Weight and Standard of the Benares Rupee; for modifying the Rates of Duty at present levied on the coinage of Gold Bullion in the Mint of Calcutta; and also for establishing certain Rules for the Conduct of the Business of the above-mentioned Mints, respectively.
Bengal Regulation XIV of 1817 ...	A Regulation for amending certain Parts of Regulation II, 1812.
Bengal Regulation XIV of 1818 ...	A Regulation for altering the Standard of the Calcutta Sicca Rupee and Gold Mohur, and for further modifying some of the Rules in force respecting those Coins.
Bengal Regulation V of 1819 ...	A Regulation for modifying certain Parts of the Rules in Force in regard to the Conduct of the Business of the Mints subordinate to this Presidency.
Act No. XVII of 1835	Gold and silver coinage.
Act No. XIII of 1862	An Act to provide for a new Silver and a new Copper Coinage.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.

for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 7th September 1870, and is hereby promulgated for general information:—

## Act No. XXIV of 1870.

*An Act to relieve from incumbrances the estates of Taluqdars in Oudh.*

Whereas many of the taluqdars of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner herein-after appearing; It is hereby enacted as follows:—

## I.—Preliminary.

Short title.

1. This Act may be called "The Oudh Taluqdars' Relief Act."

2. In this Act—

Interpretation-clause, 'Chief Commissioner' means the Chief Commissioner of Oudh:

'taluqdar' means a person whose name is entered in the first of the lists mentioned in the 'Oudh Estates' Act, 1869, section eight:

'heir' means the person for the time being entitled under the same Act as heir to a taluqdar:

## II.—Pesting order.

Power to vest management of taluqdar's property in an officer appointed by Chief Commissioner.

3. Whenever, within twelve months after the passing of this Act, any taluqdar,

or (when such taluqdar is an infant, or of unsound mind, or an idiot) his guardian, committee or other legal curator,

or the person who would be heir to such taluqdar if he died intestate,

or (when such person is an infant, or of unsound mind, or an idiot), his guardian, committee, or other legal curator,

applies in writing to the Chief Commissioner, stating that the taluqdar is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due, or liabilities incurred, to Government, and requesting that the provisions of this Act be applied to his case,

the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official Gazette, appoint an officer (hereinafter called the Manager), and vest in him the management of the immoveable property of or to which the taluqdar is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on the taluqdar or his heir during the continuance of such management.

Effect of order.

4. On such publication, the following consequences shall ensue:—

First, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

Taluqdār freed from arrest, *secondly*, so long as such management continues;

the taluqdār and his heir shall not be liable to arrest for or in respect of the debts and liabilities to which the taluqdār was immediately before the said publication subject, or with which his immovable property or any part thereof was then charged, other than debts due, or liabilities incurred, to Government;

nor shall their moveable property be liable to attachment or sale, under process of any Civil Court in British India, for or in respect of such debts and liabilities other than as aforesaid; and

*thirdly*, so long as such management continues, (a) the taluqdār and his heir shall be incompetent to mortgage, charge, lease or alienate their immovable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing therefrom,

and (b) such property shall be exempt from attachment or sale under such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government.

### III.—Duties of Manager.

5. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall, upon receiving such rents and profits, give receipts for the same.

From the sums so received, he shall pay—

*first*, the Government revenue, and all debts or liabilities for the time being due or incurred to Government in respect of the said property:

*secondly*, such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdār, his heir and their families:

*thirdly*, the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Chief Commissioner:

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the taluqdār and his heir and their immovable property as may be established under the provisions hereinafter contained.

### IV.—Settlement of Debts.

6. On the publication of the order vesting in him the management of the said property, the Manager shall publish in the local official Gazette a notice in English and Urdu, calling upon all persons having

claims against the taluqdār or his immovable property to notify the same in writing to such Manager within three months from the date of the publication.

He shall also cause copies of such notice to be exhibited at the Tahsildars' kachahris in the district or districts in which the said property lies and at such other places as the Manager thinks fit.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

If the document be an entry in any book, the claimant shall produce, the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

If any document in the possession or under the control of the claimant, is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

8. Every debt or liability (other than debts due, or liabilities incurred, to Government) to which the taluqdār is subject, or with which his immovable property or any part thereof is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall be barred:

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of nine months from the expiration of the said period of three months.

9. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities due to the several creditors of the taluqdār and persons holding mortgages, charges or liens on the said property or any part thereof.

10. An appeal against any refusal, admission or determination under sections seven, eight or nine shall lie, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager, if no such appeal has been preferred, shall be final.

**11.** When the total amount of such debts and liabilities has been finally determined, the Manager shall prepare and submit to the Chief Commissioner a schedule of such debts and liabilities, and a scheme for the settlement thereof; and such scheme, when approved by the Chief Commissioner, shall be carried into effect.

Until such approval is given, the Chief Commissioner may, as often as he thinks fit, send back such scheme to the Manager for revision, and direct him to make such further enquiry as may be requisite for the proper preparation of the scheme.

**12.** When all such debts and liabilities have been discharged,

or if, within six months after the publication of the order mentioned in section three, the Chief Commissioner thinks that the provisions of this Act should not continue to apply to the case of the taluqdār or his heir,

the taluqdār or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as has not been sold by the Manager under the power contained in section nineteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Where the taluqdār or his heir is so restored under the circumstances mentioned in the second clause of this section, the proceedings, processes, executions and attachments mentioned in section three (so far as they relate to debts and liabilities not settled by the Manager), and the debts and liabilities barred by section eight, shall be revived, and any mortgagee dispossessed under section seventeen shall be reinstated unless his claim under the mortgage has been satisfied;

and in calculating the periods of limitation applicable to such revived proceedings and to suits to recover and enforce such revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section three shall be excluded.

#### F.—Powers of Manager.

**13.** The Manager may, from time to time, call for further and more detailed particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

**14.** For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.

**15.** The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be enquired into under this Act.

**16.** Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

**17.** The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as the taluqdār would have had for such purpose if this Act had not been passed.

And if such property, or any part thereof be in the possession of any mortgagee, the Manager may apply to the Court of the Deputy Commissioner, within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour; but without prejudice to the mortgagee preferring his claim under the provisions hereinafter contained.

**18.** Subject to the rules made under section twenty, the Manager, shall have power to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and under such conditions as may be agreed upon.

**19.** The Manager, with the previous assent of the Chief Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the taluqdār is subject, or with which his immoveable property or any part thereof is charged,

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the taluqdār and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient.

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted, or that no more than is wanted, is raised.

And the receipt of the Manager for any monies paid to him upon any mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

The power to mortgage conferred by this section shall not be exercisable until six months have elapsed from the publication of the order mentioned in section three.

#### VI.—Miscellaneous.

20. The Chief Commissioner may, from time to time, make rules consistent with this Act in all matters connected with its enforcement.

Such rules, when approved by the Governor General of India in Council, and published in the local official *Gazette*, shall have the force of law.

21. Whenever the Chief Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager.

Every such new Manager shall have the same powers as if he had been originally appointed.

22. Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

23. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bona fide* pursuant to this Act.

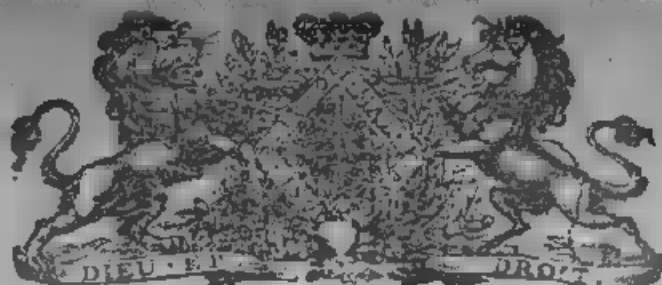
24. No petition, application, memorandum of appeal, or other proceeding under this Act, shall be chargeable under the Court Fees Act, 1870.

25. Nothing in this Act precludes the Courts of the Province of Oudh, having jurisdiction in suits relating to the succession to or rights of persons claiming maintenance from any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits, but to all such suits the Manager of such property shall be made a party.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.





# The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, SEPTEMBER 17, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

### Acts of the Governor General's Council assented to by the Governor General.

#### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 30th August 1870, and is hereby promulgated for general information:—

Act No. XXII of 1870.

*An Act to confirm certain laws affecting European British subjects.*

Whereas the Governors of the Presidencies of Fort St. George and Bombay in Council, and the Lieutenant-Governor of Bengal in Council, have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects liable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madras and Bombay; and whereas doubts have also been raised as to the application to European British subjects of certain Acts of the Governor General in Council: For the purpose of removing such doubts it is hereby enacted as follows:—

1. Every such Act passed by the Governor of the Presidency of Madras in Council, or by the Governor of the Presidency of Bombay in Council, or by the Lieutenant-Governor of Bengal in Council, shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to have been as valid as if it had been

passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations.

2. Unless there be something repugnant in the context, all Acts heretofore or hereafter passed by the Governor General in Council, which confer summary jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

3. Act No. XVIII of 1859 (to amend the law relating to offences declared to be punishable on conviction before a Magistrate) shall be construed as if, in sections one, two and four, after the word 'heretofore' the words 'or hereafter' were inserted.

4. Nothing in this Act shall be taken to authorize a Magistrate to exceed the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace.

5. All Magistrates and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been then in force; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th September 1870, and is hereby promulgated for general information:—

ACT No. XXIII of 1870.

# THE INDIAN COINAGE ACT, 1870.

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#### VIII.—Coinage of Bullion.

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21. Duty on produce of silver bullion.
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23. Charge for refining.
24. Certificate for produce of bullion.
25. Withdrawal of bullion.
26. Payment for gold bullion.

#### IX.—Power to make Rules.

27. Rules as to officers and management of Mint.
28. Rules by notification.

### SCHEDULE.

### An Act to consolidate and amend the Law to Coinage and the Mint.

Whereas it is expedient to consolidate and amend the law relating to coinage and the mint hereby enacted as follows:

Preamble.

#### I.—Preliminary.

1. This Act may be called "The Indian Coinage Act, 1870."

Short title.

2. The Regulations and Acts mentioned in the Schedule here to annexed are repealed.

Repeal of enactments.

3. In this Act, the expression 'Mint' includes the Mints at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council, by notification in the *Gazette of India*, from time to time, directs:

the expression 'Mint-rules' means such rules as the Governor General in Council from time to time prescribes for the management of the Mint;

and the expression 'remedy' means variation from the standard weight and fineness.

#### II.—Gold Coinage.

4. The under-mentioned gold coins only shall be coined at the Mint:—

Gold Coins.

- (1.)—A gold mohur or fifteen-rupee piece.
- (2.)—A five-rupee piece equal to a third of a gold mohur.
- (3.)—A ten-rupee piece equal to two-thirds of a gold mohur.
- (4.)—A thirty-rupee piece or a double gold mohur.

5. The standard weight of the said gold mohur shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows:—eleven twelfths, or one hundred and sixty-five grains, of fine gold, and one twelfth, or fifteen grains, of alloy.

The other gold coins shall be of proportionate weight and of the same fineness:

Provided that in the making of gold coins a remedy shall be allowed of an amount not exceeding two thousandths in weight and two thousandths in fineness.

Remedy allowed.

#### III.—Silver Coinage.

6. The under-mentioned silver coins only shall be coined at the Mint:—

Silver Coins.

- (1.)—A rupee to be called the Government Rupee.
- (2.)—A half rupee.
- (3.)—A quarter rupee, or four-anna piece.
- (4.)—An eighth of a rupee or two-anna piece.

The standard weight of the Government Rupee shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows:—eleven-twelfths, or one hundred and sixty-five grains, of fine silver, and one-twelfth, or fifteen grains, of alloy.

The other silver coins shall be of proportionate weight and of the same fineness:

Provided that in the making of silver coins a remedy shall be allowed of an amount not exceeding the following:—

	Remedy in weight.	Remedy in fineness.
Rupee ...	Five thousandths	Two thousandths.
Half rupee ...		
Quarter rupee ...	Seven thousandths	Three thousandths.
Eighth of a rupee	Ten thousandths	

#### IV.—Copper Coinage.

8. The under-mentioned copper coins only shall be coined at the Mint:—

- (1.)—A double pice or half anna.
- (2.)—A pice or quarter anna.
- (3.)—A half pice or one-eighth of an anna.
- (4.)—A pie, being one-third of a pice or one-twelfth of an anna.

9. The weight of the double pice shall be two hundred grains Troy.

The other copper coins shall be of proportionate weight:

Provided that in the making of copper coins a remedy shall be allowed of an amount not exceeding one fortieth in weight.

#### V.—Devices on Coins.

10. Until the Governor General in Council otherwise orders under the power hereinafter conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India," with such date and embellishments on each coin as the Governor General in Council from time to time determines.

11. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he thinks fit.

#### VI.—Legal Tender.

12. No gold coin shall be a legal tender in payment or on account.

13. The said rupee and half rupee shall be a legal tender in payment or on account:

Provided that the coin has not lost more than two per cent. in weight:

Provided also that it has not been clipped or filed, or defaced or diminished otherwise than by use.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the second proviso contained in this section.

14. The double pice shall be a legal tender for the thirty-second part of a rupee or for half an anna;

the pice for the sixty-fourth part of a rupee or for one-fourth of an anna;

the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna;

and the pie for the hundred and ninety-second part of a rupee or for one-twelfth of an anna:

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

15. All silver coin of the weight and standard specified in the Acts No. XVII of 1835, No. XXI of 1838, and Act No. XIII of 1862 issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXII of 1844, and No. XIII of 1862 issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything contained in this Act or in any Act hereby repealed notwithstanding.

#### VII.—Diminished, Counterfeit, or Called-in Coin.

16. When any silver coin purporting to be coined and issued under the authority of the Government of India is tendered to any officer authorized by the Governor General in Council or the Local Government to act under this section, who has reason to believe it to have lost, by reasonable wearing, more than two per cent. in weight,

or to be counterfeit,

or to have been reduced in weight otherwise than by reasonable wearing,

or to be called-in by any proclamation,

he may, by himself or another

(subject to the rules which the Governor General in Council prescribes in this behalf),

cut or break such coin.

**17.** If any coin so cut or broken is counterfeit, or has been reduced in weight otherwise than by reasonable wearing, the pieces shall be returned to the person tendering the coin, and he shall bear the loss caused by such cutting or breaking.

But if it has been coined and issued by the authority of the Government of India, and has lost by reasonable wearing more than two per cent. in weight or has been called-in by any proclamation, the officer cutting or breaking the same shall receive it at the rate of one rupee per tola.

**18.** All public servants are hereby indemnified for anything done heretofore, which they might lawfully have done if this Act had been in force and if they had been authorized under section sixteen; and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

No suit or other proceeding shall be maintained against any person in respect of anything done by him bona fide pursuant to this Act.

### FIII.—Coinage of Bullion.

**19.** Subject to the Mint-rules for the time being in force, the Mint Master shall receive all gold and silver bullion and coin brought to the Mint:

Provided that such bullion and coin be fit for coinage:

Provided also that the quantity so brought at one time by one person is not less, in the case of gold, than fifty tolas, and, in the case of silver, than one thousand tolas.

**20.** A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin brought for coinage to the Mint in accordance with the said Mint-rules.

**21.** All silver bullion or coin brought for coinage to the Mint, in accordance with the said Mint-rules, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

**22.** A charge of one fourth per mille on gold bullion and coin and of one per mille on silver bullion and coin, shall also be levied for melting or cutting such bullion and coin so as to render the same fit for receipt into the Mint.

**23.** All gold and silver bullion and coin brought to the Mint for coinage and which is inferior to the standard fineness prescribed by this Act, or which, from brittleness or other cause, is unfit for coinage, shall, in case it is refined, be subject, in addition to the duty and charge aforesaid, to such charge

on account of the loss and expense of refining; the Governor General in Council prescribes in behalf.

**24.** The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

**25.** The proprietor of any bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may, within twenty-four hours after receiving such report, and subject to the payment of the fee prescribed in this behalf by the Governor General in Council, withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

**26.** For all gold bullion and coin, in respect of which the Assay Master has granted a certificate, payment shall be made, as nearly as may be, in gold coins coined under this Act or Act No. XVII of 1835; and the balance (if any) due to the proprietor shall be paid in silver, or in silver and copper, coins current in British India.

### IX.—Power to make Rules.

**27.** The Governor General in Council may, from time to time,

(1) fix the number and duties of the officers of, and persons employed in, the Mint:

(2) make rules and give directions (subject to the provisions of this Act, and any notification made thereunder) respecting the management of the Mint, and revoke and alter such rules and directions.

**28.** The Governor General in Council may also, from time to time, by notification in the *Gazette of India*,—

(1) diminish the amount of remedy allowed by sections five, seven and nine in the case of any coin:

(2) determine in the case of any coin the date and embellishments to be put thereon:

(3) call-in coins of any date or denomination, or any coins coined before the date in the notification mentioned:

(4) prescribe rules for the guidance of officers authorized to cut or break coin under section sixteen:

(5) prescribe the charge to be made on account of the loss and expense of refining:

(6) determine the period for which certificates granted under section twenty-four shall run:

(7) fix the fee payable under section twenty-five:

(8) establish a Mint at any place in British India other than Calcutta and Bombay:

(9) abolish any Mint so established or any Mint now existing in British India:

(10) regulate any matters relative to coinage and to the Mint, which are not provided for by this Act:



(11) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act.

## SCHEDULE.

Number and year.	Title or subject.
Bengal Regulation II of 1812	A Regulation for levying a Duty on the Coinage of Silver Bullion and on the Re-coinage of Rupees, and other Coins with certain Exceptions at the Mints established at Calcutta, Furruckabad, and Benares; for defining the Weight and Standard of the Benares Rupee; for modifying the Rates of Duty at present levied on the coinage of Gold Bullion in the Mint of Calcutta; and also for establishing certain Rules for the Conduct of the Business of the above-mentioned Mints, respectively.
Bengal Regulation XIV of 1817	A Regulation for amending certain Parts of Regulation II, 1812.
Bengal Regulation XIV of 1818	A Regulation for altering the Standard of the Calcutta Sicca Rupee and Gold Mohur, and for further modifying some of the Rules in force respecting those Coins.
Bengal Regulation V of 1819	A Regulation for modifying certain Parts of the Rules in Force in regard to the Conduct of the Business of the Mints subordinate to this Presidency.
Act No. XVII of 1835	Gold and silver coinage.
Act No. XIII of 1862	An Act to provide for a new Silver and a new Copper Coinage.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 7th September 1870, and is hereby promulgated for general information:—

## Act No. XXIV of 1870.

*An Act to relieve from incumbrances the estates of Taluqdárs in Oudh.*

Whereas many of the taluqdárs of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

## I.—Preliminary.

1. This Act may be called "The Oudh Taluqdárs' Relief Act."

## 2. In this Act—

'Chief Commissioner' means the Chief Commissioner of Oudh;

'taluqdár' means a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight;

'heir' means the person for the time being entitled under the same Act as heir to a taluqdár;

## II.—Vesting order.

3. Whenever, within twelve months after the passing of this Act, any taluqdár,

or (when such taluqdár is an infant, or of unsound mind, or an idiot) his guardian, committee or other legal curator,

or the person who would be heir to such taluqdár if he died intestate,

or (when such person is an infant, or of unsound mind, or an idiot), his guardian, committee, or other legal curator,

applies in writing to the Chief Commissioner, stating that the taluqdár is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due, or liabilities incurred, to Government, and requesting that the provisions of this Act be applied to his case,

the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official Gazette, appoint an officer (hereinafter called the Manager), and vest in him the management of the immoveable property of or to which the taluqdár is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on the taluqdár or his heir during the continuance of such management.

4. On such publication, the following consequences shall ensue:—

First, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

Effect of order.

Bar of suits against taluqdár.

Taluqdār freed from arrest, *secondly*, so long as such management continues,

the taluqdār and his heir shall not be liable to arrest for or in respect of the debts and liabilities to which the taluqdār was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due, or liabilities incurred, to Government;

nor shall their moveable property be liable to attachment or sale, under process of any Civil Court in British India, for or in respect of such debts and liabilities other than as aforesaid; and

*thirdly*, so long as such management continues, (a) the taluqdār and his heir shall be incompetent to mortgage, charge, lease or alienate

their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing therefrom,

and (b) such property shall be exempt from attachment or sale under such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government.

### III.—Duties of Manager.

5. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall, upon receiving such rents and profits, give receipts for the same.

From the sums so received, he shall pay—

*first*, the Government revenue, and all debts or liabilities for the time being due or incurred to Government in respect of the said property:

*secondly*, such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdār, his heir and their families:

*thirdly*, the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Chief Commissioner:

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the taluqdār and his heir and their immoveable property as may be established under the provisions hereinafter contained.

### IV.—Settlement of Debts.

6. On the publication of the order vesting in him the management of the said property, the Manager shall publish in the local official Gazette a notice in English and Urdu, calling upon all persons having

claims against the taluqdār or his immoveable property to notify the same in writing to such Manager within three months from the date of the publication.

He shall also cause copies of such notice to be exhibited at the Taluqdars' kachahris in the district or districts in which the said property lies and at such other places as the Manager thinks fit.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

If any document in the possession or under the control of the claimant, is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

8. Every debt or liability (other than debts due, or liabilities incurred, to Government) to which the taluqdār is subject, or with which his immoveable property or any part thereof is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall be barred:

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of nine months from the expiration of the said period of three months.

9. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities due to the several creditors of the taluqdār and persons holding mortgages, charges or liens on the said property or any part thereof.

10. An appeal against any refusal, admission or determination under sections seven, eight or nine shall lie, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager, if no such appeal has been so preferred, shall be final.

**11.** When the total amount of such debts and liabilities has been finally determined, the Manager shall prepare and submit to the Chief Commissioner a schedule of such debts and liabilities, and a scheme for the settlement thereof; and such scheme, when approved by the Chief Commissioner, shall be carried into effect.

Until such approval is given, the Chief Commissioner may, as often as he thinks fit, send back such scheme to the Manager for revision, and direct him to make such further enquiry as may be requisite for the proper preparation of the scheme.

**12.** When all such debts and liabilities have been discharged,

or if, within six months after the publication of the order mentioned in section three, the Chief Commissioner thinks that the provisions of this Act should not continue to apply to the case of the taluqdār or his heir,

the taluqdār or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as has not been sold by the Manager under the power contained in section nineteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Where the taluqdār or his heir is so restored under the circumstances mentioned in the second clause of this section, the proceedings, processes, executions and attachments mentioned in section three (so far as they relate to debts and liabilities not settled by the Manager), and the debts and liabilities barred by section eight, shall be revived, and any mortgagees dispossessed under section seventeen shall be reinstated unless his claim under the mortgage has been satisfied;

and in calculating the periods of limitation applicable to such revived proceedings and to suits to recover and enforce such revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section three shall be excluded.

*\* V.—Powers of Manager.*

**13.** The Manager may, from time to time, call for further and more detailed particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

**14.** For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.

**15.** The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be enquired into under this Act.

**16.** Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

**17.** The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as the taluqdār would have had for such purpose if this Act had not been passed.

And if such property, or any part thereof be in the possession of any mortgagee, the Manager may apply to the Court of the Deputy Commissioner, within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour; but without prejudice to the mortgagee preferring his claim under the provisions hereinbefore contained.

**18.** Subject to the rules made under section twenty, the Manager shall have power to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and under such conditions as may be agreed upon.

**19.** The Manager, with the previous assent of the Chief Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the taluqdār is subject, or with which his immoveable property or any part thereof is charged,

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the taluqdār and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient.

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted, or that no more than is wanted, is raised.

And the receipt of the Manager for any monies paid to him upon any mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

The power to mortgage conferred by this section shall not be exercisable until six months have elapsed from the publication of the order mentioned in section three.

*VI.—Miscellaneous.*

**20.** The Chief Commissioner may, from time to time, make rules consistent with this Act in all matters connected with its enforcement.

Such rules, when approved by the Governor General of India in Council, and published in the local official *Gazette*, shall have the force of law.

**21.** Whenever the Chief Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager.

Every such new Manager shall have the same powers as if he had been originally appointed.

**22.** Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

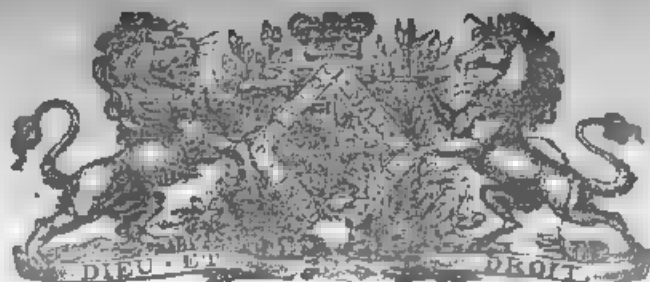
**23.** No suit or other proceeding shall be maintained against any person in respect of anything done by him *bona fide* pursuant to this Act.

**24.** No petition, application, memorandum of appeal, or other proceeding under this Act, shall be chargeable under the Court Fees Act, 1870.

**25.** Nothing in this Act precludes the Courts of the Province of Oudh, having jurisdiction in suits relating to the succession to or rights of persons claiming maintenance from any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits, but to all such suits the Manager of such property shall be made a party.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.*



# The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, SEPTEMBER 24, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th September 1870, and is hereby promulgated for general information:—

Act No. XXIII of 1870.

#### THE INDIAN COINAGE ACT, 1870.

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26. Payment for gold bullion.

##### *IX.—Power to make Rules.*

27. Rules as to officers and management of Mints.
28. Rules by notification.

##### SCHEDULE.



*An Act to consolidate and amend the Law relating to Coinage and the Mint.*

Whereas it is expedient to consolidate and amend the law relating to coinage and the mint; It is hereby enacted as follows:—

Preamble.

*I.—Preliminary.*

Short title. 1. This Act may be called "The Indian Coinage Act, 1870."

Repeal of enactments. 2. The Regulations and Acts mentioned in the Schedule hereto annexed are repealed.

Interpretation clause. 3. In this Act, the expression 'Mint' includes the Mints at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council, by notification in the *Gazette of India*, from time to time, directs:

the expression 'Mint-rules' means such rules as the Governor General in Council from time to time prescribes for the management of the Mint;

and the expression 'remedy' means variation from the standard weight and fineness.

*II.—Gold Coinage.*

Gold Coins. 4. The under-mentioned gold coins only shall be coined at the Mint:—

- (1.)—A gold mohur or fifteen-rupee piece.
- (2.)—A five-rupee piece equal to a third of a gold mohur.
- (3.)—A ten-rupee piece equal to two-thirds of a gold mohur.
- (4.)—A thirty-rupee piece or a double gold mohur.

5. The standard weight of the said gold mohur shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows:—eleven twelfths, or one hundred and sixty-five grains, of fine gold, and one twelfth, or fifteen grains, of alloy.

The other gold coins shall be of proportionate weight and of the same fineness:

Remedy allowed. Provided that in the making of gold coins a remedy shall be allowed of an amount not exceeding two thousandths in weight and two thousandths in fineness.

*III.—Silver Coinage.*

Silver Coins. 6. The under-mentioned silver coins only shall be coined at the Mint:—

- (1.)—A rupee to be called the Government Rupee.
- (2.)—A half rupee.
- (3.)—A quarter rupee, or four-anna piece.
- (4.)—An eighth of a rupee, or two-anna piece.

7. The standard weight of the Government Rupee shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows:—eleven-twelfths, or one hundred and sixty-five grains, of fine silver, and one-twelfth, or fifteen grains, of alloy.

The other silver coins shall be of proportionate weight and of the same fineness:

Remedy allowed. Provided that in the making of silver coins a remedy shall be allowed of an amount not exceeding the following:—

	Remedy in weight.	Remedy in fineness.
Rupee	Five thousandths	Two thousandths.
Half rupee	Five thousandths	Two thousandths.
Quarter rupee	Seven thousandths	Three thousandths.
Eighth of a rupee	Ten thousandths	Three thousandths.

*IV.—Copper Coinage.*

8. The under-mentioned copper coins only shall be coined at the Mint:—

- (1.)—A double pice or half anna.
- (2.)—A pice or quarter anna.
- (3.)—A half pice or one-eighth of an anna.
- (4.)—A pie, being one-third of a pice or one-twelfth of an anna.

9. The weight of the double pice shall be two hundred grains Troy.

The other copper coins shall be of proportionate weight:

Remedy allowed. Provided that in the making of copper coins a remedy shall be allowed of an amount not exceeding one fortieth in weight.

*V.—Devices on Coins.*

10. Until the Governor General in Council otherwise orders under the power hereinafter conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India," with such date and embellishments on each coin as the Governor General in Council from time to time determines.

11. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he thinks fit.

*VI.—Legal Tender.*

12. No gold coin shall be a legal tender in payment or on account.

13. The said rupee and half rupee shall be a Rupee and half legal tender in payment or on rupees a legal tender. account:

Provided that the coin has not lost more than two per cent. in weight:

Provided also that it has not been clipped or filed, or defaced or diminished otherwise than by use.

The quarter rupee and eighth of a rupee shall be Four-anna and two- legal tender only for the frac- anna pieces. tions of a rupee, subject to the second proviso contained in this section.

14. The double pie shall be a legal tender Copper coin how for the thirty-second part of to be legal tender. a rupee or for half an anna;

the pie for the sixty-fourth part of a rupee or for one-fourth of an anna;

the half pie for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna;

and the pie for the hundred and ninety-second part of a rupee or for one-twelfth of an anna:

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

15. All silver coin of the weight and standard specified in the Acts No. XVII of 1835, No. XXI of 1838, and Coin made under former Acts. Act No. XIII of 1862 issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXI of 1841, and No. XIII of 1862 issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything contained in this Act or in any Act hereby repealed notwithstanding.

#### VII.—Diminished, Counterfeit, or Called-in Coin.

16. When any silver coin purporting to be coined and issued under the authority of the Government of India is Cuttng certain silver coins. tendered to any officer authorized by the Governor General in Council or the Local Government to act under this section, who has reason to believe it to have lost, by reasonable wearing, more than two per cent. in weight,

or to be counterfeit,

or to have been reduced in weight otherwise than by reasonable wearing,

or to be called-in by any proclamation,

he may, by himself or another

(subject to the rules which the Governor General in Council prescribes in this behalf),

cut or break such coin.

17. If any coin so cut or broken is counterfeit, Return of cut coin. or has been reduced in weight otherwise than by reasonable wearing, the pieces shall be returned to the person tendering the coin, and he shall bear the loss caused by such cutting or breaking.

But if it has been coined and issued by the Receipt of cut coin. authority of the Government of India, and has lost by reasonable wearing more than two per cent. in weight or has been called-in by any proclamation, the officer cutting or breaking the same shall receive it at the rate of one rupee per tola.

18. All public servants are hereby indemnified Indemnification of public servants for anything done before passing of Act. for anything done heretofore, which they might lawfully have done if this Act had been in force and if they had been authorized under section sixteen; and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

No suit or other proceeding shall be maintained Bar of suits. against any person in respect of anything done by him bond fide pursuant to this Act.

#### VIII.—Coinage of Bullion.

19. Subject to the Mint-rules for the time being in force, the Mint Master shall Receipt of gold and silver bullion and coin. receive all gold and silver bullion and coin brought to the Mint:

Provided that such bullion and coin be fit for coinage:

Provided also that the quantity so brought at one time by one person is not less, in the case of gold, than fifty tolas, and, in the case of silver, than one thousand tolas.

20. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin brought for coinage to the Mint in accordance with the said Mint-rules. Duty on produce of gold bullion.

21. All silver bullion or coin brought for coinage to the Mint, in accordance with the said Mint-rules, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor. Duty on produce of silver bullion.

22. A charge of one fourth per mille on gold bullion and coin and of one per mille on silver bullion and coin, shall also be levied for melting or cutting such bullion and coin so as to render the same fit for receipt into the Mint. Charge for melting and cutting bullion.

23. All gold and silver bullion and coin brought to the Mint for coinage and which is inferior to the standard fineness prescribed by this Act, or which, from brittleness or other cause, is unfit for coinage, shall, in case it is refused, be subject, in addition to the duty and charge aforesaid, to such charge Charge for refining.

on account of the loss and expense of refining, as the Governor General in Council prescribes in this behalf.

24. The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

25. The proprietor of any bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may, within twenty-four hours after receiving such report, and subject to the payment of the fee prescribed in this behalf by the Governor General in Council, withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

26. For all gold bullion and coin, in respect of which the Assay Master has granted a certificate, payment shall be made, as nearly as may be, in gold coins coined under this Act or Act No. XVII of 1835; and the balance (if any) due to the proprietor shall be paid in silver, or in silver and copper, coins current in British India.

#### IX.—Power to make Rules.

27. The Governor General in Council may, from time to time,

(1) fix the number and duties of the officers of, and persons employed in, the Mint:

(2) make rules and give directions (subject to the provisions of this Act, and any notification made thereunder) respecting the management of the Mint, and revoke and alter such rules and directions.

28. The Governor General in Council may also, from time to time, by notification in the *Gazette of India*,—

(1) diminish the amount of remedy allowed by sections five, seven and nine in the case of any coin:

(2) determine in the case of any coin the date and embellishments to be put thereon:

(3) call-in coins of any date or denomination, or any coins coined before the date in the notification mentioned:

(4) prescribe rules for the guidance of officers authorized to cut or break coin under section sixteen:

(5) prescribe the charge to be made on account of the loss and expense of refining:

(6) determine the period for which certificates granted under section twenty-four shall run:

(7) fix the fee payable under section twenty-five:

(8) establish a Mint at any place in British India other than Calcutta and Bombay:

(9) abolish any Mint so established, or any Mint now existing in British India:

(10) regulate any matters relative to coinage and to the Mint, which are not provided for by this Act:

(11) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act.

#### SCHEDULE.

Number and year.	Title or subject.
Bengal Regulation II of 1812 ...	A Regulation for levying a Duty on the Coinage of Silver Bullion and on the Re-coinage of Rupees, and other Coins with certain Exceptions at the Mints established at Calcutta, Furruckabad, and Benares; for defining the Weight and Standard of the Benares Rupee; for modifying the Rates of Duty at present levied on the coinage of Gold Bullion in the Mint of Calcutta; and also for establishing certain Rules for the Conduct of the Business of the above-mentioned Mints, respectively.
Bengal Regulation XIV of 1817 ...	A Regulation for amending certain Parts of Regulation II, 1812.
Bengal Regulation XIV of 1818 ...	A Regulation for altering the Standard of the Calcutta Silver Rupee and Gold Mohur, and for further modifying some of the Rules in force respecting those Coins.
Bengal Regulation V of 1810 ...	A Regulation for modifying certain Parts of the Rules in Force in regard to the Conduct of the Business of the Mints subordinate to this Presidency.
Act No. XVII of 1835	Gold and silver coinage.
Act No. XIII of 1862	An Act to provide for a new Silver and a new Copper Coinage.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 7th September 1870, and is hereby promulgated for general information:—

### Act No. XXIV of 1870.

*An Act to relieve from incumbrances the estates of Taluqdars in Oudh.*

Whereas many of the taluqdars of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

#### I.—Preliminary.

1. This Act may be called "The Oudh Taluqdars' Relief Act."

#### 2. In this Act—

'Chief Commissioner' means the Chief Commissioner of Oudh:

'taluqdār' means a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight:

'heir' means the person for the time being entitled under the same Act as heir to a taluqdār:

#### II.—Vesting order.

3. Whenever, within twelve months after the passing of this Act, any taluqdār,

or (when such taluqdār is an infant, or of unsound mind, or an idiot) his guardian, committee or other legal curator,

or the person who would be heir to such taluqdār if he died intestate,

or (when such person is an infant, or of unsound mind, or an idiot), his guardian, committee, or other legal curator,

applies in writing to the Chief Commissioner, stating that the taluqdār is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due, or liabilities incurred, to Government, and requesting that the provisions of this Act be applied to his case,

the Chief Commissioner may, with the previous assent of the Governor General of India in Council, order published in the local official Gazette, to appoint an officer (hereinafter called the Manager), and vest in him the management of the immoveable property of or to which the taluqdār is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on the taluqdār or his heir during the continuance of such management.

4. On such publication, the following consequences shall ensue:—

First, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be arrested; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

Taluqdār freed from arrest, secondly, so long as such management continues,

the taluqdār and his heir shall not be liable to arrest for or in respect of the debts and liabilities to which the taluqdār was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due, or liabilities incurred, to Government;

nor shall their moveable property be liable to attachment or sale, under process of any Civil Court in British India, for or in respect of such debts and liabilities other than as aforesaid; and

thirdly, so long as such management continues, (a) the taluqdār and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing therefrom,

and (b) such property shall be exempt from attachment or sale under such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government.

#### III.—Duties of Manager.

5. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall, upon receiving such rents and profits, give receipts for the same.

From the sums so received, he shall pay—

first, the Government revenue, and all debts or liabilities for the time being due or incurred to Government in respect of the said property:

secondly, such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdār, his heir and their families:

thirdly, the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Chief Commissioner:

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the taluqdār and his heir and their immoveable property as may be established under the provisions hereinafter contained.

#### IV.—Settlement of Debts.

6. On the publication of the order vesting in him the management of the said property, the Manager shall publish in the local official Gazette a notice in English and Urdu, calling upon all persons having claims against the taluqdār.

claims against the taluqdár or his immoveable property to notify the same in writing to such Manager within three months from the date of the publication.

He shall also cause copies of such notice to be exhibited at the Tahsildárs' kachahris in the district or districts in which the said property lies and at such other places as the Manager thinks fit.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

If any document in the possession or under the control of the claimant, is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

8. Every debt or liability (other than debts due, or liabilities incurred, to Government) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall be barred:

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of nine months from the expiration of the said period of three months.

9. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities due to the several creditors of the taluqdár and persons holding mortgages, charges or liens on the said property or any part thereof.

10. An appeal against any refusal, admission or determination under sections seven, eight or nine shall lie, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager, if no such appeal has been so preferred, shall be final.

11. When the total amount of such debts and liabilities has been finally determined, the Manager shall prepare and submit to the Chief Commissioner a schedule of such debts and liabilities, and a scheme for the settlement thereof; and such scheme, when approved by the Chief Commissioner, shall be carried into effect.

Until such approval is given, the Chief Commissioner may, as often as he thinks fit, send back such scheme to the Manager for revision, and direct him to make such further enquiry as may be requisite for the proper preparation of the scheme.

12. When all such debts and liabilities have been discharged,

or if, within six months after the publication of the order mentioned in section three, the Chief Commissioner thinks that the provisions of this Act should not continue to apply to the case of the taluqdár or his heir,

the taluqdár or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as has not been sold by the Manager under the power contained in section nineteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Where the taluqdár or his heir is so restored under the circumstances mentioned in the second clause of this section, the proceedings, processes, executions and attachments mentioned in section three (so far as they relate to debts and liabilities not settled by the Manager), and the debts and liabilities barred by section eight, shall be revived, and any mortgagee dispossessed under section seventeen shall be reinstated unless his claim under the mortgage has been satisfied;

and in calculating the periods of limitation applicable to such revived proceedings and to suits to recover and enforce such revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section three shall be excluded.

#### V.—Powers of Manager.

13. The Manager may, from time to time, call for further and more detailed particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

14. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.



**15.** The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be enquired into under this Act.

*Power to administer oaths.*

**16.** Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

*Investigation to be deemed a judicial proceeding.*

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

*Statements of persons examined, to be evidence.*

**17.** The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as the taluqdár would have had for such purpose if this Act had not been passed.

*Manager to have powers of a taluqdár.*

And if such property, or any part thereof be in the possession of any mortgagee, the Manager may apply to the Court of the Deputy Commissioner, within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour; but without prejudice to the mortgagee preferring his claim under the provisions hereinbefore contained.

*Power to remove mortgagee in possession.*

**18.** Subject to the rules made under section twenty, the Manager shall have power to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and under such conditions as may be agreed upon.

*Power to lease.*

**19.** The Manager, with the previous assent of the Chief Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged,

*Power to raise money by mortgage or sale.*

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the taluqdár and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient.

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted, or that no more than is wanted, is raised.

And the receipt of the Manager for any monies paid to him upon any mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

*Manager's receipts.*

The power to mortgage conferred by this section shall not be exercisable until six months have elapsed from the publication of the order mentioned in section three.

#### VI.—Miscellaneous.

**20.** The Chief Commissioner may, from time to time, make rules consistent with this Act in all matters connected with its enforcement.

*Power to make rules.*

Such rules, when approved by the Governor General of India in Council, and published in the local official Gazette, shall have the force of law.

**21.** Whenever the Chief Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager.

*Power to appoint new Managers.*

Every such new Manager shall have the same powers as if he had been originally appointed.

**22.** Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

*Managers to be public servants.*

**23.** No suit or other proceeding shall be maintained against any person in respect of anything done by him *bona fide* pursuant to this Act.

*Indemnity-clause.*

**24.** No petition, application, memorandum of appeal, or other proceeding under this Act, shall be chargeable under the Court Fees Act, 1870.

*Petitions, &c., under Act exempt from Court fees.*

**25.** Nothing in this Act precludes the Courts of the Province of Oudh, having jurisdiction in suits relating to the succession to or rights of persons claiming maintenance from any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits, but to all such suits the Manager of such property shall be made a party.

*Saving of jurisdiction of Courts in Oudh in respect of certain suits.*

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.



# The Gazette of India.

Published by Authority.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1870, and is hereby promulgated for general information:—

Act No. XXV of 1870.

*Act to legalize the levy of certain duties on timber imported into Maulmain.*

Whereas certain duties were in the years 1864 and 1865 levied on foreign timber imported into Maulmain by the River Salween, and whereas doubts have been raised to the legality of the levy of such duties, and it is expedient to preclude such doubts; It is hereby enacted as follows:—

All duties levied between the first day of July 1864 and the second day of August 1865 (both inclusive) on foreign timber imported into Maulmain by the River Salween, shall be deemed to have been levied in accordance with law.

2. All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act

had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

WHITLEY STOKES,

*Secretary to the Govt. of India.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1870, and is hereby promulgated for general information:—

Act No. XXVI of 1870.

THE PRISONS' ACT, 1870.

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### SCHEDULE.

### *An Act to amend the law relating to Prisons.*

Whereas it is expedient to amend the law relating to prisons in the North-Western Provinces, the Punjab, Oudh, the Central Provinces, and British Burma; and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

## CHAPTER I.—PRELIMINARY.

1. This Act, may be called "The Prisons Act, 1870."

It extends only to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Punjab and

under the administration of the Chief Commissioners of Oudh, the Central Provinces and British Burma.

Commencement of Act. And it shall come into force on the first day of December 1870.

2. On and after that day the enactments mentioned in the schedule to this Act annexed shall be repealed to the extent specified in the third column of the said schedule.

Interpretation-clause. 3. In this Act—

"prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison;

"criminal prisoner" means any prisoner charged with or convicted of a crime;

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

## CHAPTER II.—MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide for the prisoners in the territories under such government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by the Local Government, in the Panjab by the Local Government, and in Oudh, the Central Provinces and British Burma, by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

7. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Gaoler and such subordinate officers as the Local Government thinks necessary.

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a Deputy Medical Officer and a Deputy Gaoler.

8. The Local Government shall appoint the Superintendent and the Medical Officer and the Deputy Medical Officer.

The Superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the Gaoler and Deputy Gaoler.

The Superintendent shall also appoint the subordinate officers.

9. Every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government directs; and may be suspended or dismissed by the authority appointing him:

Provided that no Gaoler or Deputy Gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

## CHAPTER III.—DUTIES OF OFFICERS.

### Generally.

10. All officers of a prison shall obey the directions of the Superintendent: all subordinate officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him.

11. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him, sell or let, or derive any benefit from selling or letting, any article to any prisoner.

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far as is expressly allowed by rules made under section fifty-four, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

### Superintendent.

13. Subject to the orders of the Inspector General of Prisons, the Superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

correspond on all matters connected with the prison with and through the Inspector General :

submit to the Inspector General all bills of prison expenditure with proper vouchers for audit :

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease :

send to the Inspector General returns of all prisoners sentenced to transportation :

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General ;

and, generally, obey all rules made under section fifty-four for the guidance of the Superintendent.

The Superintendent shall also obey all orders respecting the prison given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

#### Medical Officer.

Power to make rules as to Medical Officer's duties.

14. The Local Government shall make rules as to each of the following matters :—

how often the Medical Officer shall visit the prison and see each prisoner :

the records to be made respecting sick prisoners :

periodical inspection of every part of the prison :

reports on its cleanliness, drainage, warmth and ventilation :

reports on the provisions, water, clothing and bedding supplied to the prisoners.

Medical Officer to obey such rules.

The Medical Officer shall obey such rules.

15. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such directions as the Medical Officer thinks proper.

To report special cases.

16. On the death of any prisoner, the Medical Officer shall forthwith record in writing the following particulars, namely,—

To make entries as to death of prisoners.

when the deceased was taken ill,

when the Medical Officer was first informed of the illness,

the nature of the disease,

when the prisoner died,

and (in cases where a *post-mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

17. Where a Deputy Medical Officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the Medical Officer.

When there is no Deputy Medical Officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordinate Medical Officer to act as a substitute for the Medical Officer, and the subordinate Medical Officer so appointed shall perform all the duties of the Medical Officer.

#### Gaoler.

18. The Gaoler shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere. The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

19. The Gaoler shall deliver to the Medical Officer daily a list of such prisoners as are confined in punishment-cells.

20. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent.

21. The Gaoler shall keep, or cause to be kept, the following records :—

(1) a register of warrants ;

(2) a book showing when each prisoner is to be released ;

(3) a punishment-book for the entry of the punishments inflicted for prison-offences ;

(4) a visitors' book for the entry of any observations made by visitors to the prison ;

(5) a record of the money and other articles taken from prisoners ;

and all such other records as may be prescribed by rules made under section fifty-four.

22. The Gaoler shall be responsible for the safe custody of the records to be kept by him under section twenty-one, and also for the commitments and all other documents confided to his care.

23. The Gaoler shall not be absent from the prison for a night without permission in writing from the Superintendent ; but if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the Superintendent.

24. Where a Deputy Gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section fifty-four to be performed by the Gaoler.



Where there is no Deputy Gaoler, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the Gaoler.

*Subordinate Officers.*

**25.** The officer acting as Gate-Porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate notice thereof to the Gaoler.

**26.** Subordinate officers shall not be absent from the prison without leave from the Superintendent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

**CHAPTER IV.—ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.**

**27.** When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the Medical Officer, who shall enter in a book, to be kept by the Gaoler, a record of the state of the prisoner's health, and any observations which the Medical Officer thinks fit to add.

**28.** All money or other effects in respect whereof no order of a competent court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prisoner for his use, shall be placed in the custody of the Gaoler.

**29.** All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

No prisoner shall be removed to any other prison unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

**CHAPTER V.—DISCIPLINE OF PRISONERS.**

**30.** The requisitions of this Act, with respect to the separation of prisoners, are as follows:—

(1).—In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the men.

(2).—In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(3).—Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4).—Civil prisoners shall be kept apart from criminal prisoners.

**31.** The Local Government shall have power to make rules—

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison rules may be confined separately.

**32.** No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

**33.** Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Gaoler, and all articles shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

**CHAPTER VI.—FOOD, CLOTHING AND BEDDING OF PRISONERS.**

**34.** A civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding, or other necessities, but subject to examination and to such rules as may be approved by the Inspector General.

**35.** No part of any food, clothing, bedding or other necessities belonging to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

**36.** Every civil prisoner unable to provide himself with sufficient clothing and bedding, shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

Allowance of clothing and bedding.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the Superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

Judgment creditor to defray such allowance.

#### CHAPTER VII.—EMPLOYMENT OF PRISONERS.

**37.** Civil prisoners may, with the Superintendent's permission, work and follow their respective trades and professions.

Work and earnings of civil prisoners.

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

**38.** The Medical Officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the Medical Officer certifies that he is fit for such employment.

Examination by Medical Officer of labouring prisoners.

But if the Medical Officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the Gaoler so to employ him.

**39.** Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

Employment of prisoners sentenced to simple imprisonment.

The Superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

#### CHAPTER VIII.—HEALTH OF PRISONERS.

**40.** The names of prisoners desiring to see the Medical Officer or appearing out of health in mind or body shall be reported by the Officer attending them to the Gaoler.

Names of sick prisoners to be reported to Gaoler.

The Gaoler shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention,

Gaoler to report them to Medical Officer.

and shall carry into effect the Medical Officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

**41.** All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the Gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler thinks fit to make, and the date of the entry.

Entry of directions by Medical Officer.

**42.** In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

Infirmary.

#### CHAPTER IX.—VISITS TO AND CORRESPONDENCE OF PRISONERS.

**43.** Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom prisoners before trial may desire to communicate.

Visits to prisoners.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline.

Correspondence of prisoners.

**44.** The Gaoler may demand the name and address of any visitor to a prisoner; and, when the Gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

Power of Gaoler as to visitors.

In case of any such visitor refusing to be searched, the Gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

#### CHAPTER X.—OFFENCES IN RELATION TO PRISONS.

**45.** Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce into any prison, or

Carrying liquor, tobacco or drugs into prison.

any place provided under section five for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug,

and every officer of a prison who knowingly suffers any such liquor, tobacco, or drug, to be sold or used in such prison or place contrary to such regulations,

and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations, into or out of any such prison or place,

and whoever abets within the meaning of the Indian Penal Code any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

46. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section forty-five.

#### CHAPTER XI.—PRISON OFFENCES.

47. The following acts are declared to be offences against prison discipline:—

- (1) wilful disobedience to the regulations of the prison by any prisoner;
- (2) assaults or use of criminal force by any prisoner;
- (3) insulting or threatening language by any prisoner to any officer or prisoner;
- (4) indecent or disorderly behaviour by any prisoner;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing or cutting irons or bars;
- (8) idleness or negligence at work by any convicted criminal prisoner;
- (9) wilful mismanagement of work by any convicted criminal prisoner;
- (10) wilful damage to prison property;
- (11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

48. The Superintendent may examine any person touching such offences, and determine thereupon, and punish such offences—

- (1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;
- (2) by ordering the offender for any time not exceeding three days to close confinement, to be

there kept upon a diet reduced to such extent as the Local Government shall prescribe;

(3) by corporal punishment not exceeding thirty stripes of a ratan; or

(4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The Gaoler shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the Superintendent.

49. If any prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline which the Superintendent thinks is not adequately punishable under section forty-eight, the Superintendent shall report the same to the Magistrate of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District.

Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished

by confinement in a punishment-cell or in irons for any term not exceeding six months,

or by corporal punishment not exceeding thirty stripes of a ratan,

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

50. All corporal punishment within the prison shall be inflicted in the presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

51. Every Gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section fifty-four, shall be liable, on conviction before the Superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the Superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the Superintendent under this section may be recovered, either by deductions

from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

#### CHAPTER XII.—MISCELLANEOUS.

**52.** Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, the Superintendent may so confine them.

**53.** Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, and notice thereof shall be forthwith given to the Superintendent.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

**54.** The Local Government may, from time to time, make rules consistent with this Act,

(1) for the government of prisons and for the guidance of all officers appointed hereunder:

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon:

(3) as to the food and clothing of criminal prisoners:

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for rewards for good conduct: and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

**55.** All rules now in force relating to any of the matters mentioned in sections fourteen, thirty-one, thirty-nine and fifty-four shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

**56.** All or any of the powers and duties conferred and imposed by this Act on a Superintendent may be exercised and performed by such other officer as the Local Government from time to time appoints in this behalf.

#### SCHEDULE.

[See Section 2.]

Number and Year.	TITLE.	Extent of Repeal.
Bengal Regulation XIV of 1816.	To provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Prisoners employed on the Public Roads, or other Public Works:—also to place the Jail at Allypore, in the Vicinity of Calcutta, under the Inspection and Control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its immediate Dependencies.	So much as has not been repealed.
Bengal Regulation XVII of 1816.	For the occasional Revision of the regular Police and Jail Establishments: for the due Support and Regulation of the Establishments of Chokerdar; for amending the Rules in Force for the Appointment and Removal of Police Officers; for modifying the Constitution of the Offices of the Superintendents of Police; and for reducing the Miscellaneous Business of Courts of Circuit, and Court of Nizamut Adawlut.	Sections fourteen and eighteen.
Bengal Regulation III of 1826.	For extending to Dewanny prisoners some of the Provisions in Regulation XIV. 1816, and for modifying the Rule contained in Section III, Regulation IV. 1816.	The whole.
Bengal Regulation IV of 1833.	To provide more effectually for the Management of Convicts sentenced to Labour and employed on the Roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those Officers to maintain good Order and Discipline among the Convicts and their Guards.	The whole.
Bengal Regulation II of 1834.	For abolishing Corporal Punishment; for substituting a Fine in certain Cases for a Sentence of Labour; and for the gradual Introduction of a better System of Prison Discipline.	So much as has not been repealed.
Act No. XVIII. of 1844.	For the better control and management of Gaols within the Bengal Presidency.	The whole.

WHITLEY STOKES,

Secretary to the Govt. of India.



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1870, and is hereby promulgated for general information:—

#### ACT No. XXV OF 1870.

*An Act to legalize the levy of certain duties on timber imported into Maulmain.*

Whereas certain duties were in the years 1864 and 1865 levied on foreign timber imported into Maulmain by the River Salween, and whereas doubts have been raised to the legality of the levy of such duties, and it is expedient to preclude such doubts; It is hereby enacted as follows:—

1. All duties levied between the first day of July 1864 and the second day of August 1865 (both inclusive) on foreign timber imported into Maulmain by the River Salween, shall be deemed to have been levied in accordance with law.

2. All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act

had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

WHITLEY STOKES,

*Secretary to the Govt. of India.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1870, and is hereby promulgated for general information:—

#### ACT No. XXVI OF 1870.

### THE PRISONS' ACT, 1870.

#### ARRANGEMENT OF SECTIONS.

#### CHAPTER I.—PRELIMINARY.

##### SECTIONS.

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Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.



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5. Temporary shelter of prisoners.
6. Inspector General of Prisons.
7. Officers of prison.
8. Appointment of officers.
9. Salaries, suspension and dismissal of officers.

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### *Superintendent.*

13. Duties of Superintendent.

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Medical Officer to obey such rules.
15. To report special cases.
16. To make entries as to death of prisoner.
17. Deputy Medical Officer.  
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### *Gaoler.*

18. Residence of Gaoler.
19. To deliver list of prisoners confined in punishment-cells.  
To give notice of death of prisoners.
21. To keep enumerated books and accounts.
22. Responsible for safe custody of documents.
23. Not to be absent without leave.
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26. Subordinate Officers not to be absent without leave.

## CHAPTER IV.—ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

27. Prisoners to be searched on entrance.  
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28. Effects of criminal prisoners retained.
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30. Requisitions of Act as to separation of prisoners.
31. Rules as to separate confinement.
32. Cells to be furnished with means of communication.
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## CHAPTER VI.—FOOD, CLOTHING AND BEDDING OF PRISONERS.

34. Civil prisoner may maintain himself.
35. Civil prisoner not to sell provisions.
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## CHAPTER VII.—EMPLOYMENT OF PRISONERS.

### SECTIONS.

37. Work and earnings of civil prisoners.
38. Examination by Medical Officer of labouring prisoners.
39. Employment of prisoners sentenced to simple imprisonment.

## CHAPTER VIII.—HEALTH OF PRISONERS.

40. Names of sick prisoners to be reported to Gaoler.  
Gaoler to report them to Medical Officer.
41. Entry of directions by Medical Officer.
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## CHAPTER IX.—VISITS TO AND CORRESPONDENCE OF PRISONERS.

43. Visits to prisoners.  
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## CHAPTER X.—OFFENCES IN RELATION TO PRISONS.

45. Carrying liquor, tobacco or drugs into prison.  
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47. List of prison-offences.
48. Superintendent's power to punish prison-offenders.
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52. Confinement in irons of prisoners sentenced to rigorous imprisonment.
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54. Power to make supplementary prison-rules.
55. Present Rules.
56. Exercise of powers of Superintendent.

### SCHEDULE.

### *An Act to amend the law relating to Prisons.*

Whereas it is expedient to amend the law relating to prisons in the North-Western Provinces, the Panjáb, Oudh, the Central Provinces, and British Burma, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

## CHAPTER I.—PRELIMINARY.

- Short title. 1. This Act, may be called "The Prisons Act, 1870."
- It extends only to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and
- Local extent.

under the administration of the Chief Commissioners of Oudh, the Central Provinces and British Burma.

Commencement of Act. And it shall come into force on the first day of December 1870.

2. On and after that day the enactments mentioned in the schedule to this Act annexed shall be repealed to the extent specified in the third column of the said schedule.

Interpretation-clause. 3. In this Act—

"prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison;

"criminal prisoner" means any prisoner charged with or convicted of a crime;

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

## CHAPTER II.—MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide for the prisoners in the territories under such government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by the Local Government, in the Panjáb by the Local Government, and in Oudh, the Central Provinces and British Burma, by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

7. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Gaoler and such subordinate officers as the Local Government thinks necessary.

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a Deputy Medical Officer and a Deputy Gaoler.

8. The Local Government shall appoint the Superintendent and the Medical Officer and the Deputy Medical Officer.

The Superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the Gaoler and Deputy Gaoler.

The Superintendent shall also appoint the subordinate officers.

9. Every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government directs; and may be suspended or dismissed by the authority appointing him:

Provided that no Gaoler or Deputy Gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

## CHAPTER III.—DUTIES OF OFFICERS.

### Generally.

10. All officers of a prison shall obey the directions of the Superintendent: all subordinate officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him.

11. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him, sell or let, or derive any benefit from selling or letting, any article to any prisoner.

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far as is expressly allowed by rules made under section fifty-four, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

### Superintendent.

13. Subject to the orders of the Inspector General of Prisons, the Superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

correspond on all matters connected with the prison with and through the Inspector General :

submit to the Inspector General all bills of prison expenditure with proper vouchers for audit :

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease :

send to the Inspector General returns of all prisoners sentenced to transportation :

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General ;

and, generally, obey all rules made under section fifty-four for the guidance of the Superintendent.

The Superintendent shall also obey all orders respecting the prison given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

#### Medical Officer.

**14.** The Local Government shall make rules as to each of the following matters :—

how often the Medical Officer shall visit the prison and see each prisoner :

the records to be made respecting sick prisoners :

periodical inspection of every part of the prison :

reports on its cleanliness, drainage, warmth and ventilation :

reports on the provisions, water, clothing and bedding supplied to the prisoners.

The Medical Officer shall obey such rules.

**15.** Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such directions as the Medical Officer thinks proper.

**16.** On the death of any prisoner, the Medical Officer shall forthwith record in writing the following particulars, namely,—

when the deceased was taken ill,

when the Medical Officer was first informed of the illness,

the nature of the disease,

when the prisoner died,

and (in cases where a *post-mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

**17.** Where a Deputy Medical Officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the Medical Officer.

When there is no Deputy Medical Officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordinate Medical Officer to act as a substitute for the Medical Officer, and the subordinate Medical Officer so appointed shall perform all the duties of the Medical Officer.

#### Gaoler.

**18.** The Gaoler shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere. The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

**19.** The Gaoler shall deliver to the Medical Officer daily a list of such prisoners as are confined in punishment-cells.

**20.** Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent.

**21.** The Gaoler shall keep, or cause to be kept, the following records :—

(1) a register of warrants ;

(2) a book showing when each prisoner is to be released ;

(3) a punishment-book for the entry of the punishments inflicted for prison-offences ;

(4) a visitors' book for the entry of any observations made by visitors to the prison ;

(5) a record of the money and other articles taken from prisoners ;

and all such other records as may be prescribed by rules made under section fifty-four.

**22.** The Gaoler shall be responsible for the safe custody of the records to be kept by him under section twenty-one, and also for the commitments and all other documents consigned to his care.

**23.** The Gaoler shall not be absent from the prison for a night without permission in writing from the Superintendent ; but if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the Superintendent.

**24.** Where a Deputy Gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section fifty-four to be performed by the Gaoler.

Where there is no Deputy Gaoler, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the Gaoler.

#### *Subordinate Officers.*

**25.** The officer acting as Gate-Porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate notice thereof to the Gaoler.

**26.** Subordinate officers shall not be absent from the prison without leave from the Superintendent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

#### CHAPTER IV.—ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

**27.** When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the Medical Officer, who shall enter in a book, to be kept by the Gaoler, a record of the state of the prisoner's health, and any observations which the Medical Officer thinks fit to add.

**28.** All money or other effects in respect whereof no order of a competent court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler.

**29.** All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

No prisoner shall be removed to any other prison unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous disorder, nor until, in the opinion of the Medical Officer, such discharge is safe.

#### CHAPTER V.—DISCIPLINE OF PRISONERS.

**30.** The requisitions of this Act, with respect to the separation of prisoners, are as follows:—

(1.)—In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the men.

(2.)—In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(3.)—Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4.)—Civil prisoners shall be kept apart from criminal prisoners.

**31.** The Local Government shall have power to make rules—

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison rules may be confined separately.

**32.** No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

**33.** Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Gaoler, and all articles shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

#### CHAPTER VI.—FOOD, CLOTHING AND BEDDING OF PRISONERS.

**34.** A civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding, or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.

**35.** No part of any food, clothing, bedding or other necessaries belonging to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

**36.** Every civil prisoner unable to provide himself with sufficient clothing and bedding, shall be supplied by the Superintendent with such clothing and bedding as may be necessary:

*Allowance of clothing and bedding.*

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the Superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

*Judgment-debtor to defray such allowance.*

#### CHAPTER VII.—EMPLOYMENT OF PRISONERS.

**37.** Civil prisoners may, with the Superintendent's permission, work and follow their respective trades and professions.

*Work and earnings of civil prisoners.*

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

**38.** The Medical Officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the Medical Officer certifies that he is fit for such employment.

*Examination by Medical Officer of labouring prisoners.*

But if the Medical Officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the Gaoler so to employ him.

**39.** Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

*Employment of prisoners sentenced to simple imprisonment.*

The Superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

#### CHAPTER VIII.—HEALTH OF PRISONERS.

**40.** The names of prisoners desiring to see the Medical Officer or appearing out of health in mind or body shall be reported by the Officer attending them to the Gaoler.

*Names of sick prisoners to be reported to Gaoler.*

The Gaoler shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention,

*Gaoler to report them to Medical Officer.*

and shall carry into effect the Medical Officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

**41.** All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column where-in entries shall be made by the Gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler thinks fit to make, and the date of the entry.

*Entry of directions by Medical Officer.*

**42.** In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

*Infirmary.*

#### CHAPTER IX.—VISITS TO AND CORRESPONDENCE OF PRISONERS.

**43.** Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom prisoners before trial may desire to communicate.

*Visits to prisoners.*

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline.

*Correspondence of prisoners.*

**44.** The Gaoler may demand the name and address of any visitor to a prisoner; and, when, the Gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

*Power of Gaoler as to visitors.*

In case of any such visitor refusing to be searched, the Gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

#### CHAPTER X.—OFFENCES IN RELATION TO PRISONS.

**45.** Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce into any prison, or

*Carrying liquor, tobacco or drugs into prison.*

any place provided under section five for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug,

and every officer of a prison who knowingly suffers any such liquor, tobacco, or drug, to be sold or used in such prison or place contrary to such regulations,

and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations, into or out of any such prison or place,

and whoever abets within the meaning of the Indian Penal Code any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

**46.** The Superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section forty-five.

#### CHAPTER XI.—PRISON OFFENCES.

**47.** The following acts are declared to be offences against prison discipline:—

- (1) wilful disobedience to the regulations of the prison by any prisoner;
- (2) assaults or use of criminal force by any prisoner;
- (3) insulting or threatening language by any prisoner to any officer or prisoner;
- (4) indecent or disorderly behaviour by any prisoner;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing or cutting irons or bars;
- (8) idleness or negligence at work by any convicted criminal prisoner;
- (9) wilful mismanagement of work by any convicted criminal prisoner;
- (10) wilful damage to prison property;
- (11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

**48.** The Superintendent may examine any person touching such offences, and determine thereupon, and punish such offences—

- (1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;
- (2) by ordering the offender for any time not exceeding three days to close confinement, to be

there kept upon a diet reduced to such extent as the Local Government shall prescribe;

(3) by corporal punishment not exceeding thirty stripes of a ratan; or

(4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The Gaoler shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the Superintendent.

**49.** If any prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline which the Superintendent thinks is not adequately punishable under section forty-eight, the Superintendent shall report the same to the Magistrate of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District.

Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished

by confinement in a punishment-cell or in irons for any term not exceeding six months,

or by corporal punishment not exceeding thirty stripes of a ratan,

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

**50.** All corporal punishment within the prison shall be inflicted in the presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

**51.** Every Gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section fifty-four, shall be liable, on conviction before the Superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the Superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the Superintendent under this section may be recovered, either by deductions



from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

#### CHAPTER XII.—MISCELLANEOUS.

**52.** Whenever the Superintendent considers it necessary (with reference to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, the Superintendent may so confine them.

**53.** Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, and notice thereof shall be forthwith given to the Superintendent.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

**54.** The Local Government may, from time to time, make rules consistent with this Act,

(1) for the government of prisons and for the guidance of all officers appointed hereunder :

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon :

(3) as to the food and clothing of criminal prisoners :

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts :

(5) for remission of sentences :

(6) for rewards for good conduct : and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

**55.** All rules now in force relating to any of the matters mentioned in sections fourteen, thirty-one, thirty-nine and fifty-four shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

**56.** All or any of the powers and duties conferred and imposed by this Act on a Superintendent may be exercised and performed by such other officer as the Local Government from time to time appoints in this behalf.

#### SCHEDULE.

[See Section 2.]

Number and Year.	TITLE.	Extent of Repeal.
Bengal Regulation XIV of 1816.	To provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Prisoners employed on the Public Roads, or other Public Works:—also to place the Jail at Allypore, in the Vicinity of Calcutta, under the Inspection and Control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its immediate Dependencies.	So much as has not been repealed.
Bengal Regulation XVII of 1816.	For the occasional Revision of the regular Police and Jail Establishments; for the due Support and Regulation of the Establishments of Chokeedars; for amending the Rules in Force for the Appointment and Removal of Police Officers; for modifying the Constitution of the Offices of the Superintendents of Police; and for reducing the Miscellaneous Business of Courts of Circuit, and Court of Nizamut Adawlut.	Sections fourteen and eighteen.
Bengal Regulation III of 1826.	For extending to Dewanny prisoners some of the Provisions in Regulation XIV. 1816, and for modifying the Rule contained in Section III, Regulation IV. 1816.	The whole.
Bengal Regulation IV of 1833.	To provide more effectually for the Management of Convicts sentenced to Labour and employed on the Roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those Officers to maintain good Order and Discipline among the Convicts and their Guards.	The whole.
Bengal Regulation II of 1834.	For abolishing Corporal Punishment; for substituting a Fine in certain Cases for a Sentence of Labour; and for the gradual Introduction of a better System of Prison Discipline.	So much as has not been repealed.
Act No. XVIII of 1844.	For the better control and management of Gaols within the Bengal Presidency.	The whole.

WHITLEY STOKES,

Secretary to the Govt. of India.



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1870, and is hereby promulgated for general information:—

Act No. XXV of 1870.

*An Act to legalize the levy of certain duties on timber imported into Maulmain.*

Whereas certain duties were in the years 1864 and 1865 levied on foreign timber imported into Maulmain by the River Salween, and whereas doubts have been raised to the legality of the levy of such duties, and it is expedient to preclude such doubts; It is hereby enacted as follows:—

1. All duties levied between the first day of July 1864 and the second day of August 1865 (both inclusive) on foreign timber imported into Maulmain by the River Salween, shall be deemed to have been levied in accordance with law.

2. All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act

had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

WHITLEY STOKES,

*Secretary to the Govt. of India.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1870, and is hereby promulgated for general information:—

Act No. XXVI of 1870.

THE PRISONS' ACT, 1870.

#### ARRANGEMENT OF SECTIONS.

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3. Interpretation-clause.

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17. Deputy Medical Officer.
- Subordinate Medical Officer.

### *Gaoler.*

18. Residence of Gaoler.
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- To give notice of death of prisoners.
21. To keep enumerated books and accounts.
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## CHAPTER VIII.—HEALTH OF PRISONERS.

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- Gaoler to report them to Medical Officer.
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55. Present Rules.
56. Exercise of powers of Superintendent.

### SCHEDULE.

### *An Act to amend the law relating to Prisons.*

Whereas it is expedient to amend the law relating to prisons in the North-Western Provinces, the Panjab, Oudh, the Central Provinces, and British Burma, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

## CHAPTER I.—PRELIMINARY.

### *Short title.*

1. This Act may be called "The Prisons Act, 1870."

### *It extends only to the territories*

under the government of the Lieutenant-Governors of the North-Western Provinces and the Panjab, and

under the administration of the Chief Commissioners of Oudh, the Central Provinces and British Burma.

Commencement of Act. And it shall come into force on the first day of December 1870.

2. On and after that day the enactments mentioned in the schedule to this Act annexed shall be repealed to the extent specified in the third column of the said schedule.

Interpretation clause.

3. In this Act—

"prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison;

"criminal prisoner" means any prisoner charged with or convicted of a crime;

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

## CHAPTER II.—MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide for the prisoners in the territories under such government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by the Local Government, in the Panjab by the Local Government, and in Oudh, the Central Provinces and British Burma, by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

7. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Gaoler and such subordinate officers as the Local Government thinks necessary.

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a Deputy Medical Officer and a Deputy Gaoler.

8. The Local Government shall appoint the Superintendent and the Medical Officer and the Deputy Medical Officer.

The Superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the Gaoler and Deputy Gaoler.

The Superintendent shall also appoint the subordinate officers.

9. Every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government directs; and may be suspended or dismissed by the authority appointing him.

Provided that no Gaoler or Deputy Gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

## CHAPTER III.—DUTIES OF OFFICERS.

### Generally.

10. All officers of a prison shall obey the directions of the Superintendent: all subordinate officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him.

11. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him, sell or let, or derive any benefit from selling or letting, any article to any prisoner.

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far as is expressly allowed by rules made under section fifty-four, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

### Superintendent.

13. Subject to the orders of the Inspector General of Prisons, the Superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

correspond on all matters connected with the prison with and through the Inspector General :

submit to the Inspector General all bills of prison expenditure with proper vouchers for audit :

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease :

send to the Inspector General returns of all prisoners sentenced to transportation :

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General ;

and, generally, obey all rules made under section fifty-four for the guidance of the Superintendent.

The Superintendent shall also obey all orders respecting the prison given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

#### Medical Officer.

Power to make rules as to Medical Officer's duties.

14. The Local Government shall make rules as to each of the following matters :—

how often the Medical Officer shall visit the prison and see each prisoner :

the records to be made respecting sick prisoners :

periodical inspection of every part of the prison :

reports on its cleanliness, drainage, warmth and ventilation :

reports on the provisions, water, clothing and bedding supplied to the prisoners.

The Medical Officer shall obey such rules.

15. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such directions as the Medical Officer thinks proper.

16. On the death of any prisoner, the Medical Officer shall forthwith record in writing the following particulars, namely,—

when the deceased was taken ill,  
when the Medical Officer was first informed of the illness,  
the nature of the disease,  
when the prisoner died,

and (in cases where a *post-mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

17. Where a Deputy Medical Officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the Medical Officer.

When there is no Deputy Medical Officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordinate Medical Officer to act as a substitute for the Medical Officer, and the subordinate Medical Officer so appointed shall perform all the duties of the Medical Officer.

#### Gaoler.

18. The Gaoler shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere. The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

19. The Gaoler shall deliver to the Medical Officer daily a list of such prisoners as are confined in punishment-cells.

20. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent.

21. The Gaoler shall keep, or cause to be kept, the following records :—

- (1) a register of warrants ;
- (2) a book showing when each prisoner is to be released ;
- (3) a punishment-book for the entry of the punishments inflicted for prison-offences ;
- (4) a visitors' book for the entry of any observations made by visitors to the prison ;
- (5) a record of the money and other articles taken from prisoners ;

and all such other records as may be prescribed by rules made under section fifty-four.

22. The Gaoler shall be responsible for the safe custody of the records to be kept by him under section twenty-one, and also for the commitments and all other documents confided to his care.

23. The Gaoler shall not be absent from the prison for a night without permission in writing from the Superintendent ; but if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the Superintendent.

24. Where a Deputy Gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section fifty-four to be performed by the Gaoler.

Where there is no Deputy Gaoler, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or absence, and the substitute so appointed shall have all the powers and perform all the duties of the Gaoler.

#### Subordinate Officers.

**25.** The officer acting as Gate-Porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate notice thereof to the Gaoler.

**26.** Subordinate officers shall not be absent from the prison without leave from the Superintendent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

#### CHAPTER IV.—ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

**27.** When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the Medical Officer, who shall enter in a book, to be kept by the Gaoler, a record of the state of the prisoner's health, and any observations which the Medical Officer thinks fit to add.

**28.** All money or other effects in respect whereof no order of a competent court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler.

**29.** All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

No prisoner shall be removed to any other prison unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

#### CHAPTER V.—DISCIPLINE OF PRISONERS.

**30.** The requisitions of this Act, with respect to the separation of prisoners, are as follows:—

(1.)—In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the men.

(2.)—In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(3.)—Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4.)—Civil prisoners shall be kept apart from criminal prisoners.

**31.** The Local Government shall have power to make rules—

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison rules may be confined separately.

**32.** No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

**33.** Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Gaoler, and all articles shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

#### CHAPTER VI.—FOOD, CLOTHING AND BEDDING OF PRISONERS.

**34.** A civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding, or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.

**35.** No part of any food, clothing, bedding or other necessaries belonging to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.



**36.** Every civil prisoner unable to provide himself with sufficient clothing and bedding, shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

Allowance of clothing and bedding.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the Superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

Judgment-creditor to defray such allowance.

#### CHAPTER VII.—EMPLOYMENT OF PRISONERS.

**37.** Civil prisoners may, with the Superintendent's permission, work and follow their respective trades and professions.

Work and earnings of civil prisoners.

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

**38.** The Medical Officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the Medical Officer certifies that he is fit for such employment.

Examination by Medical Officer of labouring prisoners.

But if the Medical Officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the Gaoler so to employ him.

**39.** Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

Employment of prisoners sentenced to simple imprisonment.

The Superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

#### CHAPTER VIII.—HEALTH OF PRISONERS.

**40.** The names of prisoners desiring to see the Medical Officer or appearing out of health in mind or body shall be reported by the Officer attending them to the Gaoler.

Names of sick prisoners to be reported to Gaoler.

The Gaoler shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention,

Gaoler to report these to Medical Officer.

and shall carry into effect the Medical Officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

**41.** All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the Gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler thinks fit to make, and the date of the entry.

Entry of directions by Medical Officer.

**42.** In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

Infirmary.

#### CHAPTER IX.—VISITS TO AND CORRESPONDENCE OF PRISONERS.

**43.** Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom prisoners before trial may desire to communicate.

Visits to prisoners.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline.

Correspondence of prisoners.

**44.** The Gaoler may demand the name and address of any visitor to a prisoner; and, when the Gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

Power of Gaoler as to visitors.

In case of any such visitor refusing to be searched, the Gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

#### CHAPTER X.—OFFENCES IN RELATION TO PRISONERS.

**45.** Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce into any prison, or

Carrying liquor, tobacco or drugs into prison.

any place provided under section five for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug;

and every officer of a prison who knowingly suffers any such liquor, tobacco, or drug, to be sold or used in such prison or place contrary to such regulations,

and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations, into or out of any such prison or place,

and whoever abets within the meaning of the Indian Penal Code any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

46. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section forty-five.

#### CHAPTER XI.—PRISON OFFENCES.

47. The following acts are declared to be offences against prison discipline:—

- (1) wilful disobedience to the regulations of the prison by any prisoner;
- (2) assaults or use of criminal force by any prisoner;
- (3) insulting or threatening language by any prisoner to any officer or prisoner;
- (4) indecent or disorderly behaviour by any prisoner;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing or cutting irons or bars;
- (8) idleness or negligence at work by any convicted criminal prisoner;
- (9) wilful mismanagement of work by any convicted criminal prisoner;
- (10) wilful damage to prison property;
- (11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

48. The Superintendent may examine any person touching such offences, and determine thereupon, and punish such offences—

- (1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;
- (2) by ordering the offender for any time not exceeding three days to close confinement, to be

there kept upon a diet reduced to such extent as the Local Government shall prescribe;

(3) by corporal punishment not exceeding thirty stripes of a ratan; or

(4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The Gaoler shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the Superintendent.

49. If any prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline which the Superintendent thinks is not adequately punishable under section forty-eight, the Superintendent shall report the same to the Magistrate of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District.

Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished

by confinement in a punishment-cell or in irons for any term not exceeding six months,

or by corporal punishment not exceeding thirty stripes of a ratan,

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

50. All corporal punishment within the prison shall be inflicted in the presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

51. Every Gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section fifty-four, shall be liable, on conviction before the Superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the Superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the Superintendent under this section may be recovered, either by deduction

from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

#### CHAPTER XII.—MISCELLANEOUS.

**52.** Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, the Superintendent may so confine them.

**53.** Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, and notice thereof shall be forthwith given to the Superintendent.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

**54.** The Local Government may, from time to time, make rules consistent with this Act,

(1) for the government of prisons and for the guidance of all officers appointed hereunder:

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon:

(3) as to the food and clothing of criminal prisoners:

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for rewards for good conduct: and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

**55.** All rules now in force relating to any of the matters mentioned in sections fourteen, thirty-one, thirty-nine and fifty-four shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

**56.** All or any of the powers and duties conferred and imposed by this Act on a Superintendent may be exercised and performed by such other officer as the Local Government from time to time appoints in this behalf.

#### SCHEDULE.

[See Section 2.]

Number and Year.	TITLE.	Extent of Repeal.
Bengal Regulation XIV of 1816.	To provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Prisoners employed on the Public Roads, or other Public Works:—also to place the Jail at Allypore, in the Vicinity of Calcutta, under the Inspection and Control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its immediate Dependencies.	So much as has not been repealed.
Bengal Regulation XVII of 1816.	For the occasional Revision of the regular Police and Jail Establishments: for the due Support and Regulation of the Establishments of Chokeedars; for amending the Rules in Force for the Appointment and Removal of Police Officers; for modifying the Constitution of the Offices of the Superintendents of Police; and for reducing the Miscellaneous Business of Courts of Circuit, and Court of Nizamut Adawlut.	Sections fourteen and eighteen
Bengal Regulation III of 1826.	For extending to Dewanny prisoners some of the Provisions in Regulation XIV. 1816, and for modifying the Rule contained in Section III, Regulation IV. 1816.	The whole.
Bengal Regulation IV of 1833.	To provide more effectually for the Management of Convicts sentenced to Labour and employed on the Roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those Officers to maintain good Order and Discipline among the Convicts and their Guards.	The whole.
Bengal Regulation II of 1834.	For abolishing Corporal Punishment; for substituting a Fine in certain Cases for a Sentence of Labour; and for the gradual Introduction of a better System of Prison Discipline.	So much as has not been repealed.
Act No. XVIII of 1844.	For the better control and management of Gaols within the Bengal Presidency.	The whole.

WHITLEY STOKES,

Secretary to the Govt. of India.



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

### Acts of the Governor General in Council assented to by the Governor General.

#### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th November 1870, and is hereby promulgated for general information:—

ACT No. XXVII OF 1870.

*An Act to amend the Indian Penal Code.*

For the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

Preamble.

1. For section thirty-four of the said Code, the following section shall be substituted:—

“34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.”

Liability for act done by several persons in furtherance of common intention.

2. For section forty of the said Code, the following section shall be substituted:—

“40. Except in the chapter and sections mentioned in clauses two and three of this section, the word ‘offence’ denotes a thing made punishable by this Code.”

“In chapter IV and in the following sections, namely, sections 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 358, 380 and 445, the word ‘offence’ denotes a thing punishable under this Code, or under any special or local law as hereinafter defined:

“And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word ‘offence’ has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.”

3. Section fifty-six of the said Code shall be read as if the following proviso were added thereto:—

“Provided that, where an European or American offender would, but for such Act, be liable to be sentenced or ordered to be transported for a term exceeding ten years, but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life.”

4. After section one hundred and twenty-one of the said Code, the following section shall be inserted:—

“121A. Whoever within or without British India conspires to commit any of the offences punishable by section one hundred and twenty-one, or to deprive the Queen of the sovereignty of British India or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government of India or any Local Government, shall be punished with transportation for life or any shorter term, or with imprisonment of either description which may extend to ten years.

“Explanation.—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.”

5. After section one hundred and twenty-four of the said Code, the following section shall be inserted:—

"124A. Whoever by words, either spoken or intended to be read, or by signs, or by visible representation, or otherwise, excites or attempts to excite feelings of disaffection to the government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

"*Explanation.*—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore, the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause."

6. Section one hundred and thirty-one of the said Code shall be read as if the following explanation were added thereto:—

"*Explanation.*—In this section the words 'officer' and 'soldier' include any person subject to the Articles of War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. V of 1869."

7. Sections one hundred and ninety-four and one hundred and ninety-five of the said Code shall be read as if, after the words 'by this Code', the words 'or the law of England' were inserted.

8. Sections two hundred and twenty-two and two hundred and twenty-three of the said Code shall be construed as if, after the word 'offence,' the following words were inserted (that is to say), 'or lawfully committed to custody,'

and section two hundred and twenty-two of the said Code shall be construed as if the following words were added thereto (that is to say), "or if the person was lawfully committed to custody."

9. After section two hundred and twenty-five of the said Code, the following section shall be inserted:—

"225A. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing, under the Code of Criminal Procedure, to furnish security for good behaviour shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

10. After section two hundred and ninety-four, and before chapter XV of the Indian Penal Code, the following section shall be inserted:—

"294A. Whoever keeps any office or place for the purpose of drawing any lottery not authorised by Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to one thousand rupees."

11. Section three hundred and seven of the said Code shall be read as if the following clause were added thereto:—

"When any person offending under this section is under sentence of transportation for life, he may, if hurt is caused, be punished with death."

12. After section three hundred and four of the same Code, the following section shall be inserted:—

"304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

13. The following chapters of the same Code, namely, IV (*General Exceptions*), V (*Of Abetment*), and XXIII (*Of Attempts to commit Offences*) shall apply to offences punishable under the said sections 121A, 294A and 304A, and the said chapters IV and V shall apply to offences punishable under the said sections 124A and 225A.

14. No charge of an offence punishable under any of the said sections 121A, 124A and 294A shall be entertained by any Court unless the prosecution be instituted by order of, or under authority from, the Local Government.

15. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law.

16. The first schedule hereto annexed shall be deemed to be part of the schedule to the Code of Criminal Procedure.

17. The enactments mentioned in the second schedule hereto annexed are repealed to the extent specified therein.

## THE FIRST SCHEDULE.

(See section 10.)

Section.	Offence.	Whether Police may arrest without warrant or not.	Whether warrant or summons shall ordinarily issue in first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
121 A.	Conspiring to commit certain offences against the State.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Court of Session.
124 A.	Exciting, or attempting to excite, disaffection.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Court of Session.
225 A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	May arrest without warrant.	Warrant ...	Bailable...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District or Subordinate Magistrate of the first class.
294 A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons ...	Bailable...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Fine of one thousand rupees.	Any Magistrate.
304 A.	Causing death by negligence.	May arrest without warrant.	Warrant ...	Bailable...	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.

## THE SECOND SCHEDULE.

(See section 17.)

Number and year.	Title.	Extent of repeal.
Statute 9 Geo. IV, Cap. seventy-four.	An Act for improving the administration of criminal justice in the <i>East Indies</i> .	The whole Act, except sections one to ten (inclusive), thirteen, fourteen, fifteen, twenty-one, twenty-three to twenty-six (inclusive), thirty-six, thirty-seven, fifty-one, fifty-two, fifty-six and one hundred and ten.
Act No. V of 1844 ...	An Act for the suppression of all lotteries not authorized by Government.	The whole.
Act No. IV of 1867 ...	An Act to enlarge the meaning of the word 'offence' in certain sections of the Indian Penal Code, and for other purposes.	The whole.

WHITLEY STOKES,

Secretary to the Govt. of India.





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Act No. XXVII of 1870.

*An Act to amend the Indian Penal Code.*

For the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

1. For section thirty-four of the said Code, the following section shall be substituted:—

“34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.”

2. For section forty of the said Code, the following section shall be substituted:—

“40. Except in the chapter and sections mentioned in clauses two and three of this section, the word ‘offence’ denotes a thing made punishable by this Code.”

“In chapter IV and in the following sections, namely, sections 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 227, 323, 329, 330, 331, 347, 348, 353, 359 and 415, the word ‘offence’ denotes a thing punishable under this Code, or under any special or local law as hereinafter defined:

“And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word ‘offence’ has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.”

3. Section fifty-six of the said Code shall be read as if the following proviso were added thereto:—

“Provided that, where an European or American offender would, but for such Act, be liable to be sentenced or ordered to be transported for a term exceeding ten years, but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life.”

4. After section one hundred and twenty-one of the said Code, the following section shall be inserted:—

“121A. Whoever within or without British India conspires to commit any of the offences punishable by section one hundred and twenty-one, or to deprive the Queen of the sovereignty of British India or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government of India or any Local Government, shall be punished with transportation for life or any shorter term, or with imprisonment of either description which may extend to ten years.”

“Explanation.—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.”

5. After section one hundred and twenty-four of the said Code, the following section shall be inserted:—

"124A. Whoever by words, either spoken or intended to be read, or by signs, or by visible representation, or otherwise, excites or attempts to excite feelings of disaffection to the government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine."

"*Explanation.*—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore, the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause."

6. Section one hundred and thirty-one of the said Code shall be read as if the following explanation were added thereto:—

"*Explanation.*—In this section the words 'officer' and 'soldier' include any person subject to the Articles of War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. V of 1869."

7. Sections one hundred and ninety-four and one hundred and ninety-five of the said Code shall be read as if, after the words 'by this Code', the words 'or the law of England' were inserted.

8. Sections two hundred and twenty-two and two hundred and twenty-three of the said Code shall be construed as if, after the word 'offence,' the following words were inserted (that is to say), 'or lawfully committed to custody,' and section two hundred and twenty-two of the said Code shall be construed as if the following words were added thereto (that is to say), "or if the person was lawfully committed to custody."

9. After section two hundred and twenty-five of the said Code, the following section shall be inserted:—

"225A. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing, under the Code of Criminal Procedure, to furnish security for good behaviour shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

10. After section two hundred and ninety-four, and before chapter XV of the Indian Penal Code, the following section shall be inserted:—

"294A. Whoever keeps any office or place for the purpose of drawing any lottery not authorised by Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to one thousand rupees."

11. Section three hundred and seven of the said Code shall be read as if the following clause were added thereto:—

"When any person offending under this section is under sentence of transportation for life, he may, if hurt is caused, be punished with death."

12. After section three hundred and four of the same Code, the following section shall be inserted:—

"304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

13. The following chapters of the same Code, namely, IV (*General Exceptions*), V (*Of Abetment*), and XXIII (*Of Attempts to commit Offences*) shall apply to offences punishable under the said sections 121A, 294A and 304A, and the said chapters IV and V shall apply to offences punishable under the said sections 124A and 225A.

14. No charge of an offence punishable under any of the said sections 121A, 124A and 294A shall be entertained by any Court unless the prosecution be instituted by order of, or under authority from, the Local Government.

15. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law.

16. The first schedule hereto annexed shall be deemed to be part of the schedule to the Code of Criminal Procedure.

17. The enactments mentioned in the second schedule hereto annexed are repealed to the extent specified therein.

## THE FIRST SCHEDULE.

(See section 16.)

Section.	Offence.	Whether Police may arrest without warrant or not.	Whether warrant or summons shall or directly issue in first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
121 A.	Conspiring to commit certain offences against the State.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Court of Session.
124 A.	Exciting, or attempting to excite, disaffection.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Court of Session.
225 A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	May arrest without warrant.	Warrant ...	Bailable...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District or Subordinate Magistrate of the first class.
294 A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons ...	Bailable...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Fine of one thousand rupees.	Any Magistrate.
304 A.	Causing death by negligence.	May arrest without warrant.	Warrant ...	Bailable...	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.

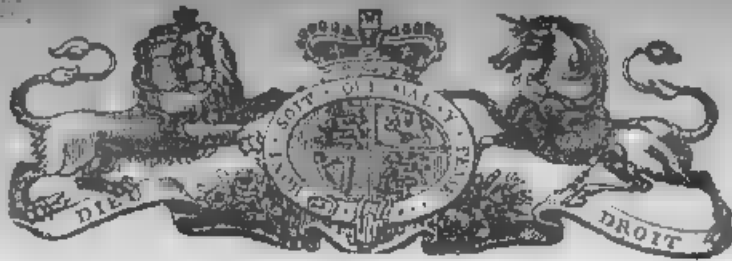
## THE SECOND SCHEDULE.

(See section 17.)

Number and year.	Title.	Extent of repeal.
Statute 9 Geo. IV, Cap. seventy-four.	An Act for improving the administration of criminal justice in the <i>East Indies</i> .	The whole Act, except sections one to ten (inclusive), thirteen, fourteen, fifteen, twenty-one, twenty-three to twenty-six (inclusive), thirty-six, thirty-seven, fifty-one, fifty-two, fifty-six and one hundred and ten.
Act No. V of 1844 ...	An Act for the suppression of all lotteries not authorized by Government.	The whole.
Act No. IV of 1867 ...	An Act to enlarge the meaning of the word 'offence' in certain sections of the Indian Penal Code, and for other purposes.	The whole.

WHITLEY STOKES,

Secretary to the Govt. of India.



# The Gazette of India.

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CALCUTTA, SATURDAY, DECEMBER 10, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General in Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th November 1870, and is hereby promulgated for general information:—

ACT No. XXVII of 1870.

*An Act to amend the Indian Penal Code.*

For the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

1. For section thirty-four of the said Code, the following section shall be substituted:—

“34. When a criminal act is done by several

Liability for act done by several persons, in furtherance of common intention.

persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.”

2. For section forty of the said Code, the following section shall be substituted:—

“40. Except in the chapter and sections mentioned in clauses two and three of this section, the

“Offence.” word ‘offence’ denotes a thing made punishable by this Code.

“In chapter IV and in the following sections, namely, sections 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 208, 211, 213, 214, 221, 222, 223, 224, 225, 227, 328, 329, 330, 331, 347, 348, 383, 389 and 445, the word ‘offence’ denotes a thing punishable under this Code, or under any special or local law as hereinafter defined:

“And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word ‘offence’ has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.”

3. Section fifty-six of the said Code shall be read as if the following proviso were added thereto:—

“Provided that, where an European or American offender would, but for such Act, be liable to be sentenced or ordered to be transported for a term exceeding ten years, but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life.”

4. After section one hundred and twenty-one of the said Code, the following section shall be inserted:—

“121A. Whoever within or without British India conspires to commit any of the offences punishable by section 121, or to deprive the Queen of the sovereignty of British India or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government of India or any Local Government, shall be punished with transportation for life or any shorter term, or with imprisonment of either description which may extend to ten years.

“Explanation.—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.”

5. After section one hundred and twenty-four of the said Code, the following section shall be inserted:—

"124A. Whoever by words, either spoken or intended to be read, or by signs, or by visible representation, or otherwise, excites or attempts to excite feelings of disaffection to the government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

"*Explanation.*—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore, the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause."

6. Section one hundred and thirty-one of the said Code shall be read as if the following explanation were added thereto:—

"*Explanation.*—In this section the words 'officer' and 'soldier' include any person subject to the Articles of War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. V of 1869."

7. Sections one hundred and ninety-four and one hundred and ninety-five of the said Code shall be read as if, after the words 'by this Code', the words 'or the law of England' were inserted.

8. Sections two hundred and twenty-two and two hundred and twenty-three of the said Code shall be construed as if, after the word 'offence,' the following words were inserted (that is to say), 'or lawfully committed to custody,' and section two hundred and twenty-two of the said Code shall be construed as if the following words were added thereto (that is to say), "or if the person was lawfully committed to custody."

9. After section two hundred and twenty-five of the said Code, the following section shall be inserted:—

"225A. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing, under the Code of Criminal Procedure, to furnish security for good behaviour shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

10. After section two hundred and ninety-four, and before chapter XV of the Indian Penal Code, the following section shall be inserted:—

"294A. Whoever keeps any office or place for the purpose of drawing any lottery not authorised by Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine, which may extend to one thousand rupees."

11. Section three hundred and seven of the said Code shall be read as if the following clause were added thereto:—

"When any person offending under this section is under sentence of transportation for life, he may, if hurt is caused, be punished with death."

12. After section three hundred and four of the same Code, the following section shall be inserted:—

"304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

13. The following chapters of the same Code, namely, IV (*General Exceptions*), V (*Of Abetment*), and XXIII (*Of Attempts to commit Offences*) shall apply to offences punishable under the said sections 121A, 294A and 304A, and the said chapters IV and V shall apply to offences punishable under the said sections 124A and 225A.

14. No charge of an offence punishable under any of the said sections 121A, 124A and 294A shall be entertained by any Court unless the prosecution be instituted by order of, or under authority from, the Local Government.

15. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law.

16. The first schedule hereto annexed shall be deemed to be part of the schedule to the Code of Criminal Procedure.

17. The enactments mentioned in the second schedule hereto annexed are repealed to the extent specified therein.

## THE FIRST SCHEDULE.

(See section 16.)

Section.	Offence.	Whether Police may arrest without warrant or not.	Whether warrant or summons shall ordinarily issue in first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
121 A.	Conspiring to commit certain offences against the State.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Court of Session.
124 A.	Exciting, or * attempting to excite, disaffection.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Court of Session.
225 A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	May arrest without warrant.	Warrant ...	Bailable...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District or Subordinate Magistrate of the first class.
294 A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons ...	Bailable...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Fine of one thousand rupees.	Any Magistrate.
304 A.	Causing death by negligence.	May arrest without warrant.	Warrant ...	Bailable...	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.

## THE SECOND SCHEDULE.

(See section 17.)

Number and year.	Title.	Extent of repeal.
* Statute 9 Geo. IV, Cap. seventy-four.	An Act for improving the administration of criminal justice in the East Indies.	The whole Act, except sections one to ten (inclusive), thirteen, fourteen, fifteen, twenty-one, twenty-three to twenty-six (inclusive), thirty-six, thirty-seven, fifty-one, fifty-two, fifty-six and one hundred and ten.
Act No. V of 1844 ...	An Act for the suppression of all lotteries not authorized by Government.	The whole.
Act No. IV of 1867 ...	An Act to enlarge the meaning of the word 'offence' in certain sections of the Indian Penal Code, and for other purposes.	The whole.

WHITLEY STOKES,

Secretary to the Govt. of India.





# The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 17, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General in Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th December 1870, and is hereby promulgated for general information:—

Act No. XXVIII of 1870.

*An Act to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Port William.*

WHEREAS Act No. XXI of 1863 (to constitute *Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns*), section forty-one, enacts that European British subjects arrested for, or guilty of, certain offences in the Tenasserim Provinces shall be committed to, and tried by, the Recorder at Maulmain; And where-

as the Andaman Islands form part of the said Provinces; And whereas it is expedient that the jurisdiction so given to the Recorder at Maulmain should, so far as regards the said Islands, be transferred to the High Court of Judicature at Port William; It is hereby enacted as follows:—

1. Every European British subject charged in the Andaman Islands with

European British subject charged in the Andamans with certain offences to be committed to the High Court, Port William.

any offence which a Justice of the Peace is not competent to punish, shall, if there be sufficient grounds for committing him for trial, be committed to, and tried by,

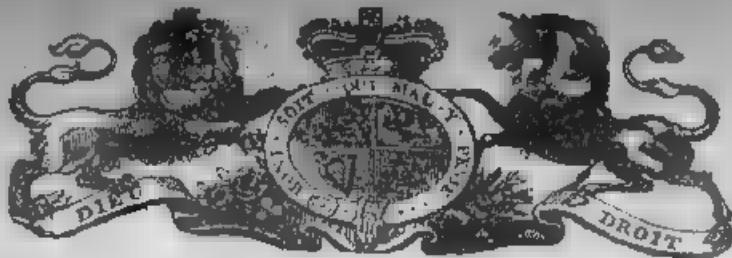
the said High Court in the exercise of its ordinary original criminal jurisdiction.

2. Act No. XXI of 1863, section forty-one,

Act XXI of 1863, section forty-one, repealed as to the Andamans.

so far as it relates to the Andaman Islands, is hereby repealed.

WHITLEY STOKES,  
Secy. to the Govt. of India.



# The Gazette of India.

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CALCUTTA, SATURDAY, DECEMBER 24, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

### Acts of the Governor General in Council assented to by the Governor General.

GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th December 1870, and is hereby promulgated for general information :—

Act No. XXVIII of 1870.

*An Act to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Fort William.*

WHEREAS Act No. XXI of 1863 (to constitute *Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burma, and to establish Courts of Small Causes in the said towns*), section forty-one, enacts that European British subjects arrested for, or guilty of, certain offences in the Tenasserim Provinces shall be committed to, and tried by, the Recorder at Maulmain; And where-

as the Andaman Islands form part of the said Provinces; And whereas it is expedient that the jurisdiction so given to the Recorder at Maulmain should, so far as regards the said Islands, be transferred to the High Court of Judicature at Port William; It is hereby enacted as follows :—

1. Every European British subject charged in the Andaman Islands with any offence which a Justice of the Peace is not competent to punish, shall, if there be sufficient grounds for committing him for trial, be committed to, and tried by,

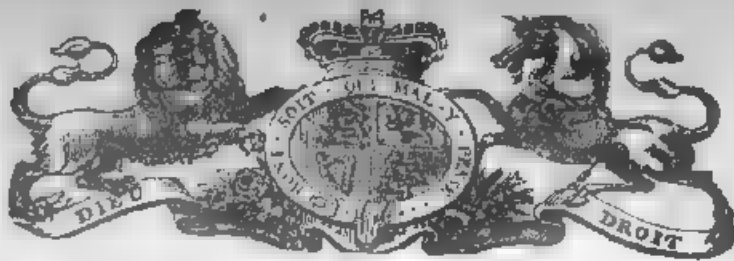
the said High Court in the exercise of its ordinary original criminal jurisdiction.

2. Act No. XXI of 1863, section forty-one, so far as it relates to the Andaman Islands, is hereby repealed.

European British subject charged in the Andamans with certain offences to be committed to the High Court, Fort William.

Act XXI of 1863, section forty-one, repealed as to the Andamans.

WHITLEY STOKES,  
Secy. to the Govt. of India.



# The Gazette of India.

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CALCUTTA, SATURDAY, DECEMBER 31, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General in Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th December 1870, and is hereby promulgated for general information:—

ACT No. XXVIII OF 1870.

*An Act to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Fort William.*

WHEREAS Act No. XXI of 1863 (to constitute *Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns*), section forty-one, enacts that European British subjects arrested for, or guilty of, certain offences in the Tenasserim Provinces shall be committed to, and tried by, the Recorder at Maulmain; And where-

as the Andaman Islands form part of the said Provinces; And whereas it is expedient that the jurisdiction so given to the Recorder at Maulmain should, so far as regards the said Islands, be transferred to the High Court of Judicature at Fort William; It is hereby enacted as follows:—

1. Every European British subject charged in the Andaman Islands with

European British subject charged in the Andamans with certain offences to be committed to the High Court, Fort William.

any offence which a Justice of the Peace is not competent to punish, shall, if there be sufficient grounds for committing him for trial, be committed to, and tried by,

the said High Court in the exercise of its ordinary original criminal jurisdiction.

2. Act No. XXI of 1863, section forty-one,

Act XXI of 1863, section forty-one, repealed as to the Andamans.

so far as it relates to the Andaman Islands, is hereby repealed.

WHITLEY STOKES,  
Secy. to the Govt. of India.



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SIMLA, SATURDAY, JULY 2, 1870.

or Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st June 1870, and was referred to a Select Committee with instructions to make their report thereon in one month :—

No. 11 of 1870.

*A Bill to relieve from Incumbrances the Estates of Taluqdars in Oudh.*

WHEREAS many of the taluqdars of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows :—

### I.—Preliminary.

1. This Act may be called "The Oudh Taluqdars' Relief Act."

And it shall come into force on the first day of August 1870.

2. In this Act—

'Chief Commissioner' means the Chief Commissioner of Oudh :

'Financial Commissioner' means the Financial Commissioner of Oudh :

'taluqdar' means a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight : and

'heir' means the person for the time being entitled under the same Act as heir to a taluqdar.

### II.—Vesting Order.

3. Whenever any taluqdar applies in writing to the Chief Commissioner, stating that the applicant is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due or liabilities incurred to Government, and requesting that the provisions of this Act be applied to his case,

the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official Gazette, appoint an officer (hereinafter called the Manager) and vest in him the management of the immoveable property, of or to which the taluqdar is then possessed or entitled in his own right, or which may be acquired by or devolve on the taluqdar or his heir during the continuance of such management.

4. On such publication the following consequences shall ensue :—

First, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

Secondly, so long as such management continues, the taluqdar and his heir shall not be liable to arrest,

nor shall their property, whether moveable, or immoveable, be liable to attachment or sale under process of any Civil Court in British India,

and his property from attachment.

for or in respect of the debts and liabilities to which the taluqdār was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due or liabilities incurred to Government; and

Thirdly, so long as such management continues, the taluqdār and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing from such property.

### III.—Duties of Manager.

5. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall upon receipt of such rents and profits give receipts for the same.

From the sums so received, he shall pay

(a) the Government revenue, and all debts or liabilities for the time being due or incurred to Government in respect of the said property or any part thereof;

(b) such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdār, his heir and their families;

(c) the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Chief Commissioner;

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the taluqdār and his heir and their immoveable property as may be established under the provisions hereinafter contained.

### IV.—Settlement of Debts.

6. On assuming the management of the said property, the Manager shall publish in the local official Gazette a notice in English and Urdu, calling upon all persons having claims against the taluqdār or his immoveable property or any part thereof, to notify the same in writing to such Manager within three months from the date of the publication.

He shall also cause copies of such notice to be exhibited at the Tahsildār's kachahris in the District or Districts in which the said property lies and at such other places as the Manager thinks fit.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Any document in the possession or under the control of the claimant, which was not delivered or produced by him to the Manager along with the claim, shall not, without the Manager's sanction, be received in evidence on the claimant's behalf at the investigation of the case.

8. Every debt or liability (other than debts due or liabilities incurred to Government) to which the taluqdār is subject, or with which his immoveable property or any part thereof is charged and which is not duly notified to the Manager within the time and in manner herein-before mentioned, shall be for ever barred:

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of nine months from the expiration of the said period of three months.

9. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities due to the several creditors of the taluqdār and persons holding mortgages, charges or liens on the said property or any part thereof.

An appeal against such determination shall lie, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager, if no such appeal shall have been so preferred, shall be final.

10. When the total amount of such debts and liabilities has been finally determined, the Manager shall prepare and submit to the Chief Commissioner, through the Financial Commissioner, a schedule of such debts and liabilities, and a scheme for the settlement thereof, and such scheme, when approved by the Chief Commissioner, shall be carried into effect.

11. When all such debts and liabilities shall have been discharged, the taluqdār or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as shall not have been sold by the

Manager under the power contained in section eighteen, but subject to the existing leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

*V.—Powers of Manager.*

**12.** The Manager may from time to time call for further and better particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

*Power to call for further particulars.*

**13.** For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of the Civil Procedure.

*Power to summon witnesses and compel production of documents.*

**14.** The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be enquired into under this Act.

*Power to administer oaths.*

**15.** Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

*Investigation to be deemed a judicial proceeding.*

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

*Statements of persons examined, to be evidence.*

**16.** The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as a Collector possesses for the recovery of land-revenue due to Government.

*Manager to have powers of a Collector.*

And on assuming the management of the said property, he shall have power to remove from possession of such property, or any part thereof, any mortgagee who may then be in possession of the same, but without prejudice to such mortgagee preferring his claim under the provisions hereinbefore contained.

*Power to remove mortgagee in possession.*

**17.** The Manager shall have power from time to time to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and subject to such conditions, rents, and agreements as he shall think fit.

*Power to lease.*

**18.** The Manager, with the previous assent of the Chief Commissioner, shall have power from time to time to raise any money which may be required for the settlement of the

*Power to raise money by mortgage or sale.*

debts and liabilities (other than as aforesaid) to which the taluqdār is subject, or with which his immoveable property or any part thereof is charged,

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the taluqdār and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager shall think fit, such outlying portion of the same property as may appear expedient:

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted or that no more than is wanted is raised:

And the receipt of the Manager for any monies paid to him upon any mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying such monies, rents, or profits therefrom and from being concerned to see to the application thereof.

*Manager's receipts.*

*VI.—Miscellaneous.*

**19.** With the previous sanction of the Governor General of India in Council, the Chief Commissioner may from time to time make rules consistent with this Act for the guidance of Managers in all matters connected with its enforcement.

*Power to make rules.*

**20.** Whenever the Chief Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager; and every such new Manager shall have the same powers as if he had been originally appointed.

*Power to appoint new Managers.*

**21.** Nothing in this Act shall preclude the Courts of the Province of Oudh having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act, or to rights of persons claiming maintenance from such property, from entertaining and disposing of such suits:

*Saving of jurisdiction of Courts in Oudh in respect of certain suits.*

But to all such suits the Manager of the property shall be made a party.

*STATEMENT OF OBJECTS AND REASONS.*

Many of the Oudh taluqdārs are so deeply in debt and their estates are subject to incumbrances so heavy that they cannot perform their proper functions as landholders, and, in the absence of relief such as the present Bill proposes to give, these estates will probably, sooner or later, become the property of money-lenders. This, for political reasons, is deemed inexpedient, and the present Bill accordingly proposes to empower the Chief Commissioner, on the application of any embarrassed taluqdār, to vest the management of his estate in a Government officer. Suits against the taluqdār will thereupon be barred, his person will be freed



from arrest, and his immoveable property from attachment, and, during the continuance of the management, his right to encumber or alienate will cease. The Manager will receive the rents and profits, and pay thereout the Government revenue, such annual sum as may be necessary to maintain the taluqdár and his family, and the costs of necessary repairs and improvements. The residue will be applied in defraying the costs of management, and in settling the taluqdár's debts and liabilities.

Provision is then made in sections 6—10 for ascertaining those debts and liabilities, and, on their discharge, the taluqdár (section eleven) will be restored to the possession of his estate.

Sections 12—18 confer the necessary powers on the Manager. The Bill then authorises the Chief Commissioner to prescribe supplementary rules for his guidance, and to appoint a new Manager, and, lastly, the jurisdiction of the local courts is saved as to certain suits relating to property under the operation of the proposed Act.

An Act with a similar object was passed in 1862 by the Bombay Legislature, and has been worked with much success. Of 469 estates which have come under its operation, about one-half have already been restored to the owners free from all encumbrances. It is anticipated that the same measure of success will attend the present Bill, which is brought forward on the recommendation of the Chief Commissioner, and at the request of the taluqdárs themselves.

J. STRACHEY.

The 3rd February 1870.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.*

*for making Laws and Regulations.*

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 12 of 1870.

*A Bill to consolidate and amend the law relating to District Munsifs in the Presidency of Fort Saint George.*

WHEREAS it is expedient to consolidate the laws relating to District Munsifs in the Presidency of Fort Saint George, and to enlarge their jurisdiction; It is hereby enacted as follows:—

*Preliminary.*

1. This Act may be called "The Madras District Munsifs' Act."

It extends to the territories for the time being under the government of the Governor of Madras in Council;

And it shall come into force on the first day of September 1870.

2. On and from that day the enactments mentioned in the first Schedule hereto annexed shall be repealed to the extent specified in the third column of such Schedule.

*Appointment of District Munsifs.*

3. The number of District Munsifs for each Zila shall be fixed, and may, from time to time, be altered, by the Local Government: Provided always that the said Government shall not increase the total number of District Munsifships without the previous sanction of the Governor General of India in Council.

4. Whenever the office of a District Munsif under this Act is vacant, the High Court shall appoint to the office such person, duly qualified according to the rules which may, from time to time, be sanctioned by the Government, as it thinks proper.

5. The appointment of every District Munsif shall be published in the *Fort Saint George and District Gazettes*; and previous to entering upon the duties of his office, he shall make and subscribe a solemn declaration according to the form in the second Schedule to this Act annexed.

*Jurisdiction.*

6. The High Court may fix, and from time to time modify, the local jurisdiction of District Munsifs.

7. District Munsifs are empowered to take cognizance of all suits, not otherwise exempted from their jurisdiction, where the subject-matter of the suit is not of a greater value than two thousand and five hundred rupees. The value shall be ascertained in accordance with the law for the time being in force, for valuing suits for the purposes of the fee on the plaint.

8. Where, in any suit, it may be necessary to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in the case of Muhammadans, and the Hindú law in the case of Hindús, shall form the rule of decision, unless such law shall, by legislative enactment, have been altered or abolished. In cases where no specific rule may exist, the District Munsif is to act according to justice, equity, and good conscience.

9. No District Munsif shall sit on the trial of any suit in which he may be directly or indirectly a party, or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

Whenever any such suit or proceeding shall be instituted before him, or depending in his Court when he takes charge, or shall be referred to him by the Zila Judge, he shall at once send the whole record of the case to the Zila Judge with a letter stating the reason for sending it. The Zila Court shall thereupon dispose of the case in

in the manner prescribed by section six of the Code of Civil Procedure.

#### Appeals.

10. Appeals shall lie to the Zila Court from all decrees or orders of District Munsifs, where such appeals are allowable:

Provided that whenever a Principal Sadr Amin's Court is established in any Zila at a place remote from the station of the Zila Court, the High Court, with the sanction of Government, may order appeals from the decrees or orders of District Munsifs within the limits assigned to such Court, to be preferred in such Court:

Provided also, that it shall be lawful for the Zila Judge to call up to his own Court, from time to time, appeals received by any such Principal Sadr Amin, and to dispose of them himself; or to refer to any Principal Sadr Amin in the Zila any appeals from District Munsifs, which may be filed in the Zila Court.

#### Existing Jurisdiction.

11. Every Court which, when this Act comes into force exercises the jurisdiction of a District Munsif's Court, shall continue to exercise such jurisdiction as if it had been constituted under this Act, and shall be subject to all the provisions herein contained.

#### Misconduct of District Munsifs.

12. Whenever the High Court is of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misconduct by any District Munsif, the High Court may, appoint a Commissioner or Commissioners for the purpose of holding such an inquiry, and, on the receipt of his or their report, may order that the District Munsif be removed, or suspended from office, or reduced to a lower class.

The provisions of Act No. XXXVII of 1850 (for regulating inquiries into the behaviour of public servants) shall apply to inquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

13. The High Court may suspend any District Munsif from office pending the result of an inquiry into his behaviour under the preceding section.

Any Zila Judge may, whenever he sees urgent necessity for so doing, suspend from office any District Munsif under his control. But, whenever the Zila Judge suspends any such District Munsif, he shall forthwith report the case for the orders of the High Court.

Nothing in this section or in section twelve shall be held to interfere with the right of Government to suspend, or remove from office, or reduce to a lower class, any District Munsif at their discretion.

#### Ministerial Officers.

14. All ministerial officers of the Courts of District Munsifs shall be nominated and appointed by these Courts, subject to the approval of the Zila Judge within whose jurisdiction such Courts are situate.

Every such Court may, by order, fine, suspend, or dismiss any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the Zila Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto, shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

#### Suits against District Munsifs.

15. No civil suit against any person for any act done by him in his capacity as District Munsif shall be instituted in any Court, inferior to a Zila Court; and no such suit shall be entertained unless a copy of the plaint shall have been previously submitted to the High Court, and the High Court shall have sanctioned the filing of such plaint: such copy may be on unstamped paper.

### THE FIRST SCHEDULE.

#### Enactments Repealed.

#### I.—MADRAS REGULATIONS.

Number and year.	Title of Regulation.	Extent of repeal.
VI of 1816	A Regulation for reducing into one Regulation the rules which have been passed regarding the office of Native Commissioners; for modifying and extending their powers in the trial and decision of Civil Suits; and for authorizing them, under the designation of District Munsifs, to discharge certain additional duties.	So much as has not been repealed.

## THE FIRST SCHEDULE,—concluded.

## Enactments Repealed.

## I.—MADRAS REGULATIONS,—concluded.

Number and year.	Title of Regulation.	Extent of repeal.
VII of 1816	... A Regulation for authorizing District Munsifs to assemble District Punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such District Punchayets.	The whole.
II of 1821	... A Regulation for extending the jurisdiction of the Registers, Sadr Amins, and District Munsifs, and for the more effectual checking of abuses by District Munsifs.	So much as has not been repealed.
VII of 1827	... A Regulation for constituting the office of Native Judge.	Sections ten, eleven, and twelve.
II of 1828	... A Regulation for improving the administration of justice by District Munsifs in certain respects.	So much as has not been repealed.
I of 1829	... A Regulation for amending the rules in force relative to the trial of appeals, and for the better security of impartiality in the administration of justice.	So much of the Regulation as applies to District Munsifs.
III of 1833	... A Regulation for conferring upon Sadr Amins' jurisdiction in criminal cases, and for extending the civil jurisdiction of Registers, Sadr Amins, and District Munsifs.	So much as has not been repealed.

## II.—ACT.

Number and year.	Title of Act.	Extent of repeal.
VII of 1843	... An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort Saint George, and for establishing new Zila Courts to perform their functions; for establishing Courts constituted according to Regulations I and II, and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zila Courts; and for extending the civil jurisdiction of such Courts.	Sections eight and seventeen, clauses two and twenty-three.

## THE SECOND SCHEDULE,

(See Section 5.)

*Form of declaration to be administered to persons appointed to the office of District Munsif.*

I, A. B., appointed to the office of District Munsif of—, do solemnly declare that, in the trial and determination of all suits which may come under my cognizance and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment, without partiality, favour, or affection; that I will not, directly or indirectly, receive, or knowingly allow any other person to receive, any money, effects, or property, on account of any suit

that may come before me for decision, or on account of any public duty which I may have to execute. I will strictly adhere to all the rules prescribed for my guidance, and I will, in all respects, truly and faithfully execute the trust reposed in me.

## STATEMENT OF OBJECTS AND REASONS.

The origin of this Bill (which has been prepared by the Madras Government) is as follows:—

The merchants and residents of Bimlipatam addressed a memorial to that Government a short time ago, representing the great inconvenience experienced by them in the prosecution of their

business from the want of any Court, at that town, of higher jurisdiction than that of the District Munsif. Both the Collector of the District and the Zila Judge supported the memorial, and suggested that the jurisdiction of the District Munsif at Bimalipatan should be extended to Rs. 2,500. The Government referred the memorial to the Judges of the High Court at Madras, and requested their opinion as to whether it would not be better to raise the jurisdiction of District Munsifs throughout the Presidency. The Judges, in reply, stated that any increase of the District Munsifs' jurisdiction, which might be made, should be general; that the late Mufti Sadr Amins had jurisdiction up to Rs. 2,500; and that the District Munsifs of the present day were equally qualified to exercise this jurisdiction. The Judges were of opinion, however, that the jurisdiction of District Munsifs in regard to immovable property should remain the same as it is now, but that their jurisdiction as respects movable property should be increased to Rs. 2,500.

On further consideration, it appeared that District Munsifs, under the laws now in force, did in fact try suits for land whose value, if estimated according to the rules laid down for the valuation of suits in Act XXVI of 1867, would amount to Rs. 2,000 or even more. It was therefore suggested by the High Court Judges (with the exception of Mr. Justice Holloway) that the system of valuation of every species of property should be that laid down by the Stamp Laws for the time being in force, for ascertaining the amount of the institution fee, and that a uniform jurisdiction to the extent of Rs. 2,500 should be given. The present Bill is framed on this principle.

The Local Government considered it advisable that the Bill should take the form of an Act consolidating all the laws relating to the ordinary jurisdiction of District Munsifs which are now in force. As, however, it was found that a complete consolidation of all such provisions would involve legislation affecting the High Court, it became necessary to refer the Bill to the Council of the Governor General.

It will be observed that the Bill vests the appointment of District Munsifs in the High Court, whereas Act No. XVI of 1868, section five, provides that in Bengal the High Court should nominate Munsifs whom the Local Government should appoint; while, in Bombay, Act No. XIV of 1869 vests the appointment of such Judges absolutely in the Government. Practically, however, the Government would always appoint the nominee of the High Court; and it was thought unadvisable to multiply correspondence by reserving a formal power of appointment to the Government.

F. R. COCKERELL.

SIMLA;  
The 12th May 1870. }

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870:—

No. 13 of 1870.

*A Bill to enable the Government of India to exempt goods from customs duties.*

For the purpose of enabling the Governor General of India in Council to exempt goods from duties of customs; It is hereby enacted as follows:—

1. The said Governor General in Council may from time to time, by notification in the *Gazette of India*, exempt any goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of the duties of customs to which they are liable under the Indian Customs Duties Act, 1870, or any other law for the time being in force relating to such duties,

and may, by like notification, cancel any such exemption.

#### STATEMENT OF OBJECTS AND REASONS.

In order to encourage the use of our ports as *entrepôts* and for other reasons, it is convenient that the Government of India should have the power to exempt wholly or in part from export duty goods which have paid import duty.

But to authorise such exemptions in the face of the Indian Customs Duties Act, and of the declaration in section 137 of the Consolidated Customs Act (VI of 1863), it seems that legislation is necessary.

R. TEMPLE,

SIMLA,  
The 30th May 1870. }

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870:—

No. 14 of 1870.

*A Bill to enable the Directors of the Bank of Bengal to act by a quorum.*

WHEREAS section three of the Act for regulating the Bank of Bengal (No. IV of 1862) declares that the business of the said Bank shall be managed by nine Directors, but does not authorise such business to be managed by a less number; and whereas it is expedient to provide that such business may be

managed by a quorum; It is hereby enacted as follows:—

1. The said section shall be construed as if after the words "more Directors," the words "of whom three shall be a quorum and" were inserted.

Amendment of Act IV of 1862, section 3.

2. No act heretofore done by a number of the said Directors less than nine shall be deemed invalid by reason only of its having been done by such less number.

Validation of acts of Directors.

#### STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to authorise the nine Directors of the Bank of Bengal to act by a quorum of three.

The opportunity has been taken to validate acts which might be deemed invalid by reason of their having been done by less than the whole number of Directors.

R. TEMPLE.

SIMLA;  
The 3rd June 1870. }

WHITLEY STOKES,

Secy. to the Council of the Govr. Gent.

for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870:—

No. 15 OF 1870.

A Bill to correct two clerical errors in the Court Fees Act, 1870.

For the purpose of correcting two clerical errors in the Court Fees Act, 1870; It is hereby enacted as follows:—

Preamble

1. Section fifteen of the said Act shall be read as if for the words "plaint or memorandum of appeal," the word "application" were substituted; and in Schedule I to the said Act annexed, Number two shall be read as if the words 'or memorandum of appeal' were omitted therefrom.

Corrections of Act VII of 1870, section 15, and Schedule I, No. 2.

#### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to correct two clerical errors in the Court Fees Act. The first of these is in section fifteen, where the words "plaint or memorandum of appeal" are miswritten for 'application,' and the second is in Schedule I, No. 2, where the words 'or memorandum of appeal' have been erroneously inserted.

F. B. COCKERELL.

SIMLA;  
The 21st June 1870. }

WHITLEY STOKES,

Secy. to the Council of the Govr. Gent.

for making Laws and Regulations.



# The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JULY 9, 1870.

or Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

**Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 19.**

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st June 1870, and was referred to a Select Committee with instructions to make their report thereon in one month :—

No. 11 of 1870.

*A Bill to relieve from Incumbrances the Estates of  
Taluqdars in Oudh.*

WHEREAS many of the taluqdars of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows :—

### I.—Preliminary.

Short title. 1. This Act may be called "The Oudh Taluqdars' Relief Act."

Commencement. And it shall come into force on the first day of August 1870.

2. In this Act—

Interpretation clause. 'Chief Commissioner' means the Chief Commissioner of Oudh :

'Financial Commissioner' means the Financial Commissioner of Oudh :

'taluqdár' means a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight: and

'heir' means the person for the time being entitled under the same Act as heir to a taluqdár.

### II.—Vesting Order.

3. Whenever any taluqdár applies in writing to the Chief Commissioner, stating that the applicant is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due or liabilities incurred to Government, and requesting that the provisions of this Act be applied to his case,

the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official Gazette, appoint an officer (hereinafter called the Manager) and vest in him the management of the immoveable property, of or to which the taluqdár is then possessed or entitled in his own right, or which may be acquired by or devolve on the taluqdár or his heir during the continuance of such management.

4. On such publication the following consequences shall ensue :—

First, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

Secondly, so long as such management continues, the taluqdár and his heir shall not be liable to arrest,

nor shall their property, whether moveable, or immoveable, be liable to attachment or sale under process of any Civil Court in British India,

and his property from attachment.



for or in respect of the debts and liabilities to which the taluqdār was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due or liabilities incurred to Government; and

*Thirdly*, so long as such management continues, the taluqdār and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing from such property.

### III.—Duties of Manager.

5. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall upon receipt of such rents and profits give receipts for the same.

From the sums so received, he shall pay

(a) the Government revenue, and all debts or liabilities for the time being due or incurred to Government in respect of the said property or any part thereof;

(b) such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdār, his heir and their families;

(c) the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Chief Commissioner;

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the taluqdār and his heir and their immoveable property as may be established under the provisions hereinafter contained.

### IV.—Settlement of Debts.

6. On assuming the management of the said property, the Manager shall publish in the local official *Gazette* a notice in English and Urdu, calling upon all persons having claims against the taluqdār or his immoveable property or any part thereof, to notify the same in writing to such Manager within three months from the date of the publication.

He shall also cause copies of such notice to be exhibited at the Tahsildār's kachahris in the District or Districts in which the said property lies and at such other places as the Manager thinks fit.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Any document in the possession or under the control of the claimant, which was not delivered or produced by him to the Manager along with the claim, shall not, without the Manager's sanction, be received in evidence on the claimant's behalf at the investigation of the case.

8. Every debt or liability (other than debts due or liabilities incurred to Government) to which the taluqdār is subject, or with which his immoveable property or any part thereof is charged and which is not duly notified to the Manager within the time and in manner herein-before mentioned, shall be for ever barred:

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of nine months from the expiration of the said period of three months.

9. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities due to the several creditors of the taluqdār and persons holding mortgages, charges or liens on the said property or any part thereof.

An appeal against such determination shall lie, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager, if no such appeal shall have been so preferred, shall be final.

10. When the total amount of such debts and liabilities has been finally determined, the Manager shall prepare and submit to the Chief Commissioner, through the Financial Commissioner, a schedule of such debts and liabilities, and a scheme for the settlement thereof, and such scheme, when approved by the Chief Commissioner, shall be carried into effect.

11. When all such debts and liabilities shall have been discharged, the taluqdār or his heir shall be restored to the possession and enjoyment of his immoveable property, or of any part thereof as shall not have been sold by

Manager under the power contained in section eighteen, but subject to the existing leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

#### V.—Powers of Manager.

**12.** The Manager may from time to time call for further and better particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

**13.** For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of the Civil Procedure.

**14.** The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be enquired into under this Act.

**15.** Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

**16.** The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as a Collector possesses for the recovery of land-revenue due to Government.

And on assuming the management of the said property, he shall have power to remove from possession of such property, or any part thereof, any mortgagee who may then be in possession of the same, but without prejudice to such mortgagee preferring his claim under the provisions hereinbefore contained.

**17.** The Manager shall have power from time to time to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and subject to such conditions, rents, and agreements as he shall think fit.

**18.** The Manager, with the previous assent of the Chief Commissioner, shall have power from time to time to raise any money which may be required for the settlement of the

debts and liabilities (other than as aforesaid) to which the taluqdār is subject, or with which his immoveable property or any part thereof is charged,

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the taluqdār and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager shall think fit, such outlying portion of the same property as may appear expedient:

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted or that no more than is wanted is raised:

And the receipt of the Manager for any monies paid to him upon any mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying such monies, rents, or profits therefrom and from being concerned to see to the application thereof.

#### VI.—Miscellaneous.

**19.** With the previous sanction of the Governor General of India in Council, the Chief Commissioner may from time to time make rules consistent with this Act for the guidance of Managers in all matters connected with its enforcement.

**20.** Whenever the Chief Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager; and every such new Manager shall have the same powers as if he had been originally appointed.

**21.** Nothing in this Act shall preclude the Courts of the Province of Oudh having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act, or to rights of persons claiming maintenance from such property, from entertaining and disposing of such suits.

But to all such suits the Manager of the property shall be made a party.

#### STATEMENT OF OBJECTS AND REASONS.

Many of the Oudh taluqdārs are so deeply in debt and their estates are subject to incumbrances so heavy that they cannot perform their proper functions as landholders, and, in the absence of relief such as the present Bill proposes to give, those estates will probably, sooner or later, become the property of money-lenders. This, for political reasons, is deemed inexpedient, and the present Bill accordingly proposes to empower the Chief Commissioner, on the application of any embarrassed taluqdār, to vest the management of his estate in a Government officer. Suits against the taluqdār will thereupon be barred, his person will be freed

from arrest, and his immoveable property from attachment, and, during the continuance of the management, his right to encumber or alienate will cease. The Manager will receive the rents and profits, and pay thereout the Government revenue, such annual sum as may be necessary to maintain the taluqdār and his family, and the costs of necessary repairs and improvements. The residue will be applied in defraying the costs of management, and in settling the taluqdār's debts and liabilities.

Provision is then made in sections 6—10 for ascertaining those debts and liabilities, and, on their discharge, the taluqdār (section eleven) will be restored to the possession of his estate.

Sections 12—18 confer the necessary powers on the Manager. The Bill then authorises the Chief Commissioner to prescribe supplementary rules for his guidance, and to appoint a new Manager, and, lastly, the jurisdiction of the local courts is saved as to certain suits relating to property under the operation of the proposed Act.

An Act with a similar object was passed in 1862 by the Bombay Legislature, and has been worked with much success. Of 469 estates which have come under its operation, about one-half have already been restored to the owners free from all encumbrances. It is anticipated that the same measure of success will attend the present Bill, which is brought forward on the recommendation of the Chief Commissioner, and at the request of the taluqdārs themselves.

J. STRACHEY.

The 3rd February 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 12 of 1870.

*A Bill to consolidate and amend the law relating to District Munsifs in the Presidency of Fort Saint George.*

WHEREAS it is expedient to consolidate the laws relating to District Munsifs in the Presidency of Fort Saint George, and to enlarge their jurisdiction; It is hereby enacted as follows:—

*Preliminary.*

1. This Act may be called "The Madras District Munsifs' Act."

Short title.

It extends to the territories for the time being under the government of the Governor of Madras in Council;

Extent.

And it shall come into force on the first day of September 1870.

Commencement.

2. On and from that day the enactments mentioned in the first Schedule hereto annexed shall be repealed to the extent specified in the third column of such Schedule.

Repeal of enactments.

*Appointment of District Munsifs.*

3. The number of District Munsifs for each Zila shall be fixed, and may, from time to time, be altered, by the Local Government: Provided always that the said Government shall not increase the total number of District Munsifships without the previous sanction of the Governor General of India in Council.

Number of Munsifs.

4. Whenever the office of a District Munsif under this Act is vacant, the High Court shall appoint to the office such person, duly qualified according to the rules which may, from time to time, be sanctioned by the Government, as it thinks proper.

Mode of appointment.

5. The appointment of every District Munsif shall be published in the *Fort Saint George and District Gazettes*; and previous to entering upon the duties of his office, he shall make and subscribe a solemn declaration according to the form in the second Schedule to this Act annexed.

Publication of appointment of District Munsif.

Declaration.

*Jurisdiction.*

6. The High Court may fix, and from time to time modify, the local jurisdiction of District Munsifs.

High Court to fix local jurisdiction.

7. District Munsifs are empowered to take cognizance of all suits, not otherwise exempted from their jurisdiction, where the subject-matter of the suit is not of a greater value than two thousand and five hundred rupees. The value shall be ascertained in accordance with the law for the time being in force, for valuing suits for the purposes of the fee on the plaint.

Extent of jurisdiction in regard to value of suits.

Mode of ascertaining value.

8. Where, in any suit, it may be necessary to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in the case of Muhammadans, and the Hindú law in the case of Hindús, shall form the rule of decision, unless such law shall, by legislative enactment, have been altered or abolished. In cases where no specific rule may exist, the District Munsif is to act according to justice, equity, and good conscience.

9. No District Munsif shall sit on the trial of any suit in which he may be directly or indirectly a party, or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

By what law District Munsifs are to be governed.

Mode of disposing of such suit.

Whenever any such suit or proceeding shall be instituted before him, or depending in his Court when he takes charge, or shall be referred to him by the Zila Judge, he shall at once send the whole record of the case to the Zila Judge with a letter stating the reason for sending it. The Zila Court shall thereupon dispose of the case in

the manner prescribed by section six of the Code of Civil Procedure.

*Appeals.*

10. Appeals shall lie to the Zila Court from all decrees or orders of District Munsifs, where such appeals are allowable:

Provided that whenever a Principal Sadr Amin's Court is established in any Zila at a place remote from the station of the Zila Court, the High Court, with the sanction of Government, may order appeals from the decrees or orders of District Munsifs within the limits assigned to such Court, to be preferred in such Court:

Provided also, that it shall be lawful for the Zila Judge to call up to his own Court, from time to time, appeals received by any such Principal Sadr Amin, and to dispose of them himself; or to refer to any Principal Sadr Amin in the Zila any appeals from District Munsifs, which may be filed in the Zila Court.

*Existing Jurisdiction.*

11. Every Court which, when this Act comes into force exercises the jurisdiction of a District Munsif's Court, shall continue to exercise such jurisdiction as if it had been constituted under this Act, and shall be subject to all the provisions herein contained.

*Misconduct of District Munsifs.*

12. Whenever the High Court is of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misconduct by any District Munsif, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an inquiry, and, on the receipt of his or their report, may order that the District Munsif be removed, or suspended from office, or reduced to a lower class.

The provisions of Act No. XXXVII of 1850 (for regulating inquiries into the behaviour of public servants) shall apply to inquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

13. The High Court may suspend any District Munsif from office pending the result of an inquiry into his behaviour under the preceding section.

*Suspension of District Munsifs by High Court or Zila Judge.*

Any Zila Judge may, whenever he sees urgent necessity for so doing, suspend from office any District Munsif under his control. But, whenever the Zila Judge suspends any such District Munsif, he shall forthwith report the case for the orders of the High Court.

Nothing in this section or in section twelve shall be held to interfere with the right of Government to suspend, or remove from office, or reduce to a lower class, any District Munsif at their discretion.

*Ministerial Officers.*

14. All ministerial officers of the Courts of District Munsifs shall be nominated and appointed by those Courts, subject to the approval of the Zila Judge within whose jurisdiction such Courts are situate.

Every such Court may, by order, fine, suspend, or dismiss any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the Zila Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto, shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

*Suits against District Munsifs.*

15. No civil suit against any person for any act done by him in his capacity as District Munsif shall be instituted in any Court inferior to a Zila Court; and no such suit shall be entertained unless a copy of the plaint shall have been previously submitted to the High Court, and the High Court shall have sanctioned the filing of such plaint: such copy may be on unstamped paper.

*Civil suit against Munsif to be commenced in Zila Court.*

*Sanction of the High Court required.*

THE FIRST SCHEDULE.

*Enactments Repealed.*

I.—MADRAS REGULATIONS.

Number and year.	Title of Regulation.	Extent of repeal.
VI of 1816	A Regulation for reducing into one Regulation the rules which have been passed regarding the office of Native Commissioners; for modifying and extending their powers in the trial and decision of Civil Suits; and for authorizing them, under the designation of District Munsifs, to discharge certain additional duties.	So much as has not been repealed.

## THE FIRST SCHEDULE,—concluded.

## Enactments Repealed.

## I.—MADRAS REGULATIONS,—concluded.

Number and year.	Title of Regulation.	Extent of repeal.
VII of 1816	... A Regulation for authorizing District Munsifs to assemble District Punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such District Punchayets.	The whole.
II of 1821	... A Regulation for extending the jurisdiction of the Registers, Sadr Amins, and District Munsifs, and for the more effectual checking of abuses by District Munsifs.	So much as has not been repealed.
VII of 1827	... A Regulation for constituting the office of Native Judge.	Sections ten, eleven, and twelve.
II of 1828	... A Regulation for improving the administration of justice by District Munsifs in certain respects.	So much as has not been repealed.
I of 1829	... A Regulation for amending the rules in force relative to the trial of appeals, and for the better security of impartiality in the administration of justice.	So much of the Regulation as applies to District Munsifs.
III of 1833	... A Regulation for conferring upon Sadr Amins' jurisdiction in criminal cases, and for extending the civil jurisdiction of Registers, Sadr Amins, and District Munsifs.	So much as has not been repealed.

## II.—Act.

Number and year.	Title of Act.	Extent of repeal.
VII of 1843	... An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort Saint George, and for establishing new Zila Courts to perform their functions; for establishing Courts constituted according to Regulations I and II, and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zila Courts; and for extending the civil jurisdiction of such Courts.	Sections eight and seventeen, clauses two and twenty-three.

## THE SECOND SCHEDULE.

(See Section 5.)

*Form of declaration to be administered to persons appointed to the office of District Munsif.*

I, A. B., appointed to the office of District Munsif of —, do solemnly declare that, in the trial and determination of all suits which may come under my cognizance and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment, without partiality, favour, or affection; that I will not, directly or indirectly, receive, or knowingly allow any other person to receive, any money, effects, or property, on account of any suit

that may come before me for decision, or on account of any public duty which I may have to execute. I will strictly adhere to all the rules prescribed for my guidance, and I will, in all respects, truly and faithfully execute the trust reposed in me.

## STATEMENT OF OBJECTS AND REASONS.

The origin of this Bill (which has been prepared by the Madras Government) is as follows:—

The merchants and residents of Bimlipatam addressed a memorial to that Government a short time ago, representing the great inconvenience experienced by them in the prosecution of their

business from the want of any Court, at that town, of higher jurisdiction than that of the District Munsif. Both the Collector of the District and the Zila Judge supported the memorial, and suggested that the jurisdiction of the District Munsif at Bimlipatam should be extended to Rs. 2,500. The Government referred the memorial to the Judges of the High Court at Madras, and requested their opinion as to whether it would not be better to raise the jurisdiction of District Munsifs throughout the Presidency. The Judges, in reply, stated that any increase of the District Munsifs' jurisdiction, which might be made, should be general; that the late Mufti Sadr Amins had jurisdiction up to Rs. 2,500; and that the District Munsifs of the present day were equally qualified to exercise this jurisdiction. The Judges were of opinion, however, that the jurisdiction of District Munsifs in regard to immoveable property should remain the same as it is now, but that their jurisdiction as respects moveable property should be increased to Rs. 2,500.

On further consideration, it appeared that District Munsifs, under the laws now in force, did in fact try suits for land whose value, if estimated according to the rules laid down for the valuation of suits in Act XXVI of 1867, would amount to Rs. 2,000 or even more. It was therefore suggested by the High Court Judges (with the exception of Mr. Justice Holloway) that the system of valuation of every species of property should be that laid down by the Stamp Laws for the time being in force, for ascertaining the amount of the institution fee, and that a uniform jurisdiction to the

extent of Rs. 2,500 should be given. The present Bill is framed on this principle.

The Local Government considered it advisable that the Bill should take the form of an Act consolidating all the laws relating to the ordinary jurisdiction of District Munsifs which are now in force. As, however, it was found that a complete consolidation of all such provisions would involve legislation affecting the High Court, it became necessary to refer the Bill to the Council of the Governor General.

It will be observed that the Bill vests the appointment of District Munsifs in the High Court, whereas Act No. XVI of 1868, section five, provides that in Bengal the High Court should nominate Munsifs whom the Local Government should appoint; while, in Bombay, Act No. XIV of 1869 vests the appointment of such Judges absolutely in the Government. Practically, however, the Government would always appoint the nominee of the High Court; and it was thought unadvisable to multiply correspondence by reserving a formal power of appointment to the Government.

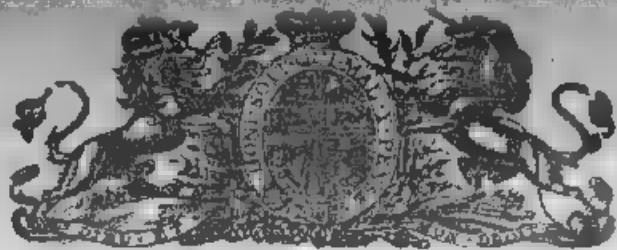
F. R. COCKRELL.

SIMLA; }  
The 12th May 1870. }

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.





# The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JULY 16, 1870.

— Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

**Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 19.**

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 12 of 1870.

*A Bill to consolidate and amend the law relating to District Munsifs in the Presidency of Fort Saint George.*

**WHEREAS** it is expedient to consolidate the laws relating to District Munsifs in the Presidency of Fort Saint George, and to enlarge their jurisdiction; It is hereby enacted as follows:—

### *Preliminary.*

1. This Act may be called "The Madras District Munsifs' Act."

It extends to the territories for the time being under the government of the Governor of Madras in Council;

And it shall come into force on the first day of September 1870.

2. On and from that day the enactments mentioned in the first Schedule hereto annexed shall be repealed to the extent specified in the third column of such Schedule.

### *Appointment of District Munsifs.*

3. The number of District Munsifs for each Zila shall be fixed, and may, from time to time, be altered, by the Local Government: Provided always that the said Government shall not increase the total number of District Munsifships without the previous sanction of the Governor General of India in Council.

4. Whenever the office of a District Munsif under this Act is vacant, the High Court shall appoint to the office such person, duly qualified according to the rules which may, from time to

time, be sanctioned by the Government, as it thinks proper.

5. The appointment of every District Munsif shall be published in the *Fort Saint George and District Gazettes*; and previous to entering upon the duties of his office, he shall make and subscribe a solemn declaration according to the form in the second Schedule to this Act annexed.

### *Jurisdiction.*

6. The High Court may fix, and from time to time modify, the local jurisdiction of District Munsifs.

7. District Munsifs are empowered to take cognizance of all suits, not otherwise exempted from their jurisdiction, where the subject-matter of the suit is not of a greater value than two thousand and five hundred rupees. The value shall be ascertained in accordance with the law for the time being in force, for valuing suits for the purposes of the fee on the plaint.

8. Where, in any suit, it may be necessary to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in the case of Muhammadans, and the Hindu law in the case of Hindus, shall form the rule of decision, unless such law shall, by legislative enactment, have been altered or abolished. In cases where no specific rule may exist, the District Munsif is to act according to justice, equity, and good conscience.

9. No District Munsif shall sit on the trial of any suit in which he may be directly or indirectly a party, or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

Whenever any such suit or proceeding shall be instituted before him, or depending in

his Court when he takes charge, or shall be referred to him by the Zila Judge, he shall at once send the whole record of the case to the Zila Judge with a letter stating the reason for sending it. The Zila Court shall thereupon dispose of the case in the manner prescribed by section six of the Code of Civil Procedure.

#### *Appeals.*

10. Appeals shall lie to the Zila Court from all decrees or orders of District Munsifs, where such appeals are allowable:

Provided that whenever a Principal Sadr Amin's Court is established in any Zila at a place remote from the station of the Zila Court, the High Court, with the sanction of Government, may order appeals from the decrees or orders of District Munsifs within the limits assigned to such Court, to be preferred in such Court:

Provided also, that it shall be lawful for the Zila Judge to call up to his own Court, from time to time, appeals received by any such Principal Sadr Amin, and to dispose of them himself; or to refer to any Principal Sadr Amin in the Zila any appeals from District Munsifs, which may be filed in the Zila Court.

#### *Existing Jurisdiction.*

11. Every Court which, when this Act comes into force exercises the jurisdiction of a District Munsif's Court, shall continue to exercise such jurisdiction as if it had been constituted under this Act, and shall be subject to all the provisions herein contained.

#### *Misconduct of District Munsifs.*

12. Whenever the High Court is of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misconduct by any District Munsif, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an inquiry, and, on the receipt of his or their report, may order that the District Munsif be removed, or suspended from office, or reduced to a lower class.

The provisions of Act No. XXXVII of 1850 (for regulating inquiries into the behaviour of public servants) shall apply to inquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

13. The High Court may suspend any District Munsif from office pending the result of an inquiry into his behaviour under the preceding section.

Any Zila Judge may, whenever he sees urgent necessity for so doing, suspend from office any District Munsif under his control. But, whenever the Zila Judge suspends any such District Munsif, he shall forthwith report the case for the orders of the High Court.

Nothing in this section or in section twelve shall be held to interfere with the right of Government to suspend, or remove from office, or reduce to a lower class, any District Munsif at their discretion.

#### *Ministerial Officers.*

14. All ministerial officers of the Courts of District Munsifs shall be nominated and appointed by those Courts, subject to the approval of the Zila Judge within whose jurisdiction such Courts are situate.

Every such Court may, by order, fine, suspend, or dismiss any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the Zila Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto, shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

#### *Suits against District Munsifs.*

15. No civil suit against any person for any act done by him in his capacity as District Munsif shall be instituted in any Court inferior to a Zila Court; and no such suit shall be entertained unless a copy of the plaint shall have been previously submitted to the High Court, and the High Court shall have sanctioned the filing of such plaint: such copy may be on unstamped paper.

### THE FIRST SCHEDULE.

#### *Enactments Repealed.*

#### I.—MADRAS REGULATIONS.

Number and year.	Title of Regulation.	Extent of repeal.
VI of 1816	A Regulation for reducing into one Regulation the rules which have been passed regarding the office of Native Commissioners; for modifying and extending their powers in the trial and decision of Civil Suits; and for authorizing them, under the designation of District Munsifs, to discharge certain additional duties.	So much as has not been repealed.

## THE FIRST SCHEDULE,—concluded.

## Enactments Repealed.

## I.—MADRAS REGULATIONS,—concluded.

Number and year.	Title of Regulation.	Extent of repeal.
VII of 1816	... A Regulation for authorizing District Munsifs to assemble District Panchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such District Panchayets.	The whole.
II of 1821	... A Regulation for extending the jurisdiction of the Registers, Sadr Amins, and District Munsifs, and for the more effectual checking of abuses by District Munsifs.	So much as has not been repealed.
VII of 1827	... A Regulation for constituting the office of Native Judge.	Sections ten, eleven, and twelve.
II of 1828	... A Regulation for improving the administration of justice by District Munsifs in certain respects.	So much as has not been repealed.
I of 1829	... A Regulation for amending the rules in force relative to the trial of appeals, and for the better security of impartiality in the administration of justice.	So much of the Regulation as applies to District Munsifs.
III of 1833	... A Regulation for conferring upon Sadr Amins jurisdiction in criminal cases, and for extending the civil jurisdiction of Registers, Sadr Amins, and District Munsifs.	So much as has not been repealed.

## II.—Act.

Number and year.	Title of Act.	Extent of repeal.
VII of 1848	... An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort Saint George, and for establishing new Zila Courts to perform their functions; for establishing Courts constituted according to Regulations I and II, and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zila Courts; and for extending the civil jurisdiction of such Courts.	Sections eight and seventeen, clauses two and twenty-three.

## THE SECOND SCHEDULE.

(See Section 5.)

*Form of declaration to be administered to persons appointed to the office of District Munsif.*

I, A. B., appointed to the office of District Munsif of —, do solemnly declare that, in the trial and determination of all suits which may come under my cognizance and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment, without partiality, favour, or affection; that I will not, directly or indirectly, receive, or knowingly allow any other person to receive, any money, effects, or property, on account of any suit

that may come before me for decision, or on account of any public duty which I may have to execute. I will strictly adhere to all the rules prescribed for my guidance, and I will, in all respects, truly and faithfully execute the trust reposed in me.

## STATEMENT OF OBJECTS AND REASONS.

The origin of this Bill (which has been prepared by the Madras Government) is as follows:—

The merchants and residents of Bimlipatam addressed a memorial to that Government a short time ago, representing the great inconvenience experienced by them in the prosecution of their

business from the want of any Court, at that town, of higher jurisdiction than that of the District Munsif. Both the Collector of the District and the Zila Judge supported the memorial, and suggested that the jurisdiction of the District Munsif at Bimlipatam should be extended to Rs. 2,500. The Government referred the memorial to the Judges of the High Court at Madras, and requested their opinion as to whether it would not be better to raise the jurisdiction of District Munsifs throughout the Presidency. The Judges, in reply, stated that any increase of the District Munsifs' jurisdiction, which might be made, should be general; that the late Mufli Sadr Amins had jurisdiction up to Rs. 2,500; and that the District Munsifs of the present day were equally qualified to exercise this jurisdiction. The Judges were of opinion, however, that the jurisdiction of District Munsifs in regard to immovable property should remain the same as it is now, but that their jurisdiction as respects moveable property should be increased to Rs. 2,500.

On further consideration, it appeared that District Munsifs, under the laws now in force, did in fact try suits for land whose value, if estimated according to the rules laid down for the valuation of suits in Act XXVI of 1867, would amount to Rs. 2,000 or even more. It was therefore suggested by the High Court Judges (with the exception of Mr. Justice Holloway) that the system of valuation of every species of property should be that laid down by the Stamp Laws for the time being in force, for ascertaining the amount of the institution fee, and that a uniform jurisdiction to the

extent of Rs. 2,500 should be given. The present Bill is framed on this principle.

The Local Government considered it advisable that the Bill should take the form of an Act consolidating all the laws relating to the ordinary jurisdiction of District Munsifs which are now in force. As, however, it was found that a complete consolidation of all such provisions would involve legislation affecting the High Court, it became necessary to refer the Bill to the Council of the Governor General.

It will be observed that the Bill vests the appointment of District Munsifs in the High Court, whereas Act No. XVI of 1868, section five, provides that in Bengal the High Court should nominate Munsifs whom the Local Government should appoint; while, in Bombay, Act No. XIV of 1869 vests the appointment of such Judges absolutely in the Government. Practically, however, the Government would always appoint the nominees of the High Court; and it was thought undesirable to multiply correspondence by reserving a formal power of appointment to the Government.

F. R. COCKERELL.

SIMLA;  
The 12th May 1870. }

WHITLEY STORES,

Secy. to the Council of the Govt. Genl.

for making Laws and Regulations.



# The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JULY 23, 1870.

or Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

**Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 19.**

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th July 1870, and was referred to a Select Committee with instructions to make their report thereon in one month:—

No. 16 of 1870.

*A Bill to consolidate and amend the law relating to Coinage and the Mint.*

Whereas it is expedient to consolidate and amend the law relating to coinage and the mint; It is hereby enacted as follows:—

Preamble.

### *I.—Preliminary.*

Short title. 1. This Act may be called "The Indian Coinage Act, 1870."

Repealed enactments. 2. The enactments specified in the Schedule hereto are repealed.

Interpretation clause. 3. In this Act, the expression "Mint" includes the Mints at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council shall, by notification in the *Gazette of India*, from time to time, direct.

### *II.—Gold coinage.*

Gold coins. 4. The under-mentioned gold coins only shall be coined at the Mint:—

- (1.)—A gold mohur or fifteen-rupee piece.
- (2.)—A five-rupee piece equal to a third of a gold mohur.
- (3.)—A ten-rupee piece equal to two-thirds of a gold mohur.
- (4.)—A thirty-rupee piece or a double gold mohur.

The weight of the said gold mohur shall be one hundred and eighty grains Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure gold, and one-twelfth or fifteen grains of alloy.

The other gold coins shall be of proportionate weight and of the same standard.

### *III.—Silver Coinage.*

Silver Coins. 5. The under-mentioned silver coins only shall be coined at the Mint:—

- (1.)—A rupee to be called the Government Rupee.
- (2.)—A half rupee.
- (3.)—A quarter rupee, or four-anna piece.
- (4.)—An eighth of a rupee, or two-anna piece.

The weight of the Government Rupee shall be one hundred and eighty grains Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure silver, and one-twelfth or fifteen grains of alloy.

The other silver coins shall be of proportionate weight and of the same standard.

### *IV.—Copper Coinage.*

Copper Coins. 6. The under-mentioned copper coins only shall be coined at the Mint:—

- (1.)—A double pice or half anna.
- (2.)—A pice or quarter anna.
- (3.)—A half pice or one-eighth of an anna.
- (4.)—A pie, being one-third of a pice or one-twelfth of an anna.

The copper coins so coined shall be respectively of the following weights:—

A double pice shall weigh two hundred grains Troy.

The pice shall weigh one hundred grains Troy.

The half pice shall weigh fifty grains Troy.

The pie shall weigh thirty-three and one-third grains Troy.

#### V.—Devices on Coins.

7. Until the Governor General in Council shall otherwise order under the power hereinafter conferred, the gold, silver and copper coins coined under this Act shall bear on the obverse the likeness and the name of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India" with such date and embellishments on each coin as the Governor General in Council shall from time to time direct.

8. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he shall think fit.

#### VI.—Legal Tender.

9. No gold coin shall be a legal tender in payment or on account:

Provided that the coins mentioned in section four shall be received in all the treasuries of British India and its dependencies, in payment of sums due to the Government according to the values therein mentioned,

and that sovereigns and half sovereigns of current weight coined at any authorized Royal Mint in England or Australia shall be received in such treasuries in payment of sums so due as the equivalents of such sums respectively as the Governor General of India in Council shall, by notification in the *Gazette of India*, from time to time prescribe.

10. The said rupee and half rupee shall be a legal tender in payment or on account:

Provided that the coin shall not have lost more than two per cent. in weight; and provided it shall not have been clipped or filed, or have been defaced or diminished, otherwise than by use.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the provisions mentioned in this section.

11. The double pice shall be a legal tender for a thirty-second part of a rupee or for half an anna; the pice for a sixty-fourth part of a rupee or for one-fourth of an anna; the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna;

and the pie for an hundred and ninety-second part of a rupee or the twelfth of an anna:

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

12. All silver coin of the weight and standard specified in the Acts No. XVII of 1835 and No. XXI of 1838, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by those Acts, respectively, to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXII of 1844, and No. XVII of 1855, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by those Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything herein contained notwithstanding.

#### VII.—Diminished, Counterfeit, or Called-in Coin.

13. When any coin purporting to be coined and issued under the authority of the Government of India is tendered to any person being a public servant as defined by the Indian Penal Code, who has reason to believe it to be diminished whether by reasonable wearing or otherwise, or to be counterfeit, or to be called-in by any proclamation, he shall cut, break or deface such coin, or cause it to be cut, broken or defaced.

14. If any coin so cut, broken or defaced has been diminished otherwise than by reasonable wearing, or is counterfeit, or has been called-in by a proclamation, the person tendering the same shall bear the loss thereof.

But if it has been diminished only by reasonable wearing, or is of due weight, and has been coined and issued by the authority of the Government of India, and has not been called-in by any proclamation, the person cutting, breaking or defacing the same shall receive it at the rate it was coined for.

15. Any dispute whether coin so cut, broken or defaced be diminished in manner aforesaid, or counterfeit, or called-in, shall be heard and finally determined, within the limits of the presidency towns by a Magistrate of Police, and, without those limits, by any person exercising powers not less than those of a subordinate Magistrate of the first class.

16. All public servants are hereby indemnified for anything done before the passing of this Act, which right lawfully have been done if this Act had been in force; and no suit or other proceeding



shall be maintained against any such person in respect of anything so done.

#### VIII.—Duty on Coinage of Bullion.

17. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin.

Duty on produce of gold bullion.

18. All silver bullion or coin (not being struck at the Mint) which may be delivered into the Mint for coinage, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

Duty on produce of silver bullion.

19. Any person may have his silver bullion or coin converted into halves or quarters of a Government rupee on condition of paying a duty at the rate of one per cent. in addition to the duty of two per cent. imposed under section eighteen.

Additional duty for coining half or quarter rupees.

20. The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

The Governor General in Council may, from time to time, determine by notification in the *Gazette of India* the period for which such certificates shall run.

21. The proprietor of any gold or silver bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

Withdrawal of bullion.

22. For all gold bullion or coin, equal to, or better than, the standard prescribed for the gold mohur by this Act, which may be brought to the Mint for coinage, a number of gold mohurs coined under this Act, or Act No. XVII of 1835, or of the halves and quarters of such mohurs, equal, as nearly as may be, to the produce of such bullion, shall be returned to the proprietor after deducting the said duty of one per cent.

Equivalent for gold bullion equal to or better than standard.

23. All gold bullion or coin inferior to the same standard, which may be brought to the Mint for coinage, shall, in addition to the same duty, be subject to such charge on account of the loss and expense of refining, together with such deduction on account of the inferiority of standard, as the Governor General of India in Council may, by notification in the *Gazette of India* from time to time, prescribe.

Charge for refining.

#### SCHEDULE.

Number and year of enactment.	Title or subject of enactment.
Bengal Regulation II of 1812.	A Regulation for levying a duty on the coinage of silver bullion and on the re-coinage of rupees, and other coins with certain exceptions at the Mints established at Calcutta, Farruckabad, and Benares; for defining the weight and standard of the Benares Rupee; for modifying the rates of duty at present levied in the coinage of gold bullion in the Mint of Calcutta; and also for establishing certain rules for the conduct of the business of the above-mentioned Mints, respectively.
Bengal Regulation XIV of 1818.	A Regulation for altering the standard of the Calcutta sicca Rupee and Gold Mohur, and for further modifying some of the rules in force respecting those coins.
Bengal Regulation V of 1819.	A Regulation for modifying certain parts of the rules in force in regard to the conduct of the business of the Mints subordinate to this presidency.
Act XVII of 1835 ...	Gold and silver coinage.
Act XIII of 1862 ...	An Act to provide for a new silver and a new copper coinage.

#### STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to make provision for defacing light-weight, counterfeit and called-in coin. This it proposes to do by three sections (13, 14 and 15), modelled on the Statutes 24 & 25 Vic., c. 95, s. 26, and 33 Vic., c. 10, s. 7.

The opportunity has been taken of consolidating the three Bengal Regulations (II of 1812, XIV of 1818, and V of 1819) and the two Acts (XVII of 1835 and XIII of 1862), in which the law relating to the Mint and the coinage of British India is now contained. The notification of 28th October 1868, as to receiving sovereigns and other gold pieces in payment of sums due to Government, has also been embodied in the Bill. The provisions as to the relative value of the old silver coins and as to contracts for payment of Calcutta sicca rupees, which are found in Act XVII of 1835, have been omitted as obsolete.

J. F. STEPHEN.

SIMLA;

The 24th May 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.



# The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JULY 30, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

**Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 19.**

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th July 1870, and was referred to a Select Committee with instructions to make their report thereon in one month:—

No. 16 of 1870.

*A Bill to consolidate and amend the law relating to Coinage and the Mint.*

Whereas it is expedient to consolidate and amend the law relating to coinage and the mint; It is hereby enacted as follows:—

Preamble.

### I.—Preliminary.

1. This Act may be called "The Indian Coinage Act, 1870."

Short title.

2. The enactments specified in the Schedule hereto are repealed.

Repeal of enactments.

3. In this Act, the expression "Mint" includes the Mints at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council shall, by notification in the *Gazette of India*, from time to time, direct.

Interpretation clause.

### II.—Gold coinage.

4. The under-mentioned gold coins only shall be coined at the Mint:—

Gold coins.

- (1.)—A gold mohur or fifteen-rupee piece.
- (2.)—A five-rupee piece equal to a third of a gold mohur.
- (3.)—A ten-rupee piece, equal to two-thirds of a gold mohur.
- (4.)—A thirty-rupee piece or a double gold mohur.

The weight of the said gold mohur shall be one hundred and eighty grains Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure gold, and one-twelfth or fifteen grains of alloy.

Their weight and standard.

The other gold coins shall be of proportionate weight and of the same standard.

### III.—Silver Coinage.

5. The under-mentioned silver coins only shall be coined at the Mint:—

Silver Coins.

- (1.)—A rupee to be called the Government Rupee.
- (2.)—A half rupee.
- (3.)—A quarter rupee, or four-anna piece.
- (4.)—An eighth of a rupee, or two-anna piece.

The weight of the Government Rupee shall be one hundred and eighty grains Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure silver, and one-twelfth or fifteen grains of alloy.

Their weight and standard.

The other silver coins shall be of proportionate weight and of the same standard.

### IV.—Copper Coinage.

6. The under-mentioned copper coins only shall be coined at the Mint:—

Copper Coins.

- (1.)—A double pie or half anna.
- (2.)—A pie or quarter anna.
- (3.)—A half pie or one-eighth of an anna.
- (4.)—A pic, being one-third of a pie or one-twelfth of an anna.

The copper coins so coined shall be respectively of the following weights:—

A double pice shall weigh two hundred grains Troy.

The pice shall weigh one hundred grains Troy.

The half pice shall weigh fifty grains Troy.

The pie shall weigh thirty-three and one-third grains Troy.

#### V.—*Devices on Coins.*

7. Until the Governor General in Council shall otherwise order under the power hereinafter conferred, the gold, silver and copper coins coined under this Act shall bear on the obverse the likeness and the name of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India" with such date and embellishments on each coin as the Governor General in Council shall from time to time direct.

8. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he shall think fit.

#### VI.—*Legal Tender.*

9. No gold coin shall be a legal tender in payment or on account:

Provided that the coins mentioned in section four shall be received in all the treasuries of British India and its dependencies, in payment of sums due to the Government according to the values therein mentioned,

and that sovereigns and half sovereigns of current weight coined at any authorized Royal Mint in England or Australia shall be received in such treasuries in payment of sums so due as the equivalents of such sums respectively as the Governor General of India in Council shall, by notification in the *Gazette of India*, from time to time prescribe.

10. The said rupee and half rupee shall be a legal tender in payment or on account:

Provided that the coin shall not have lost more than two per cent. in weight; and provided it shall not have been chipped or filed, or have been defaced or diminished, otherwise than by use.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the provisions mentioned in this section.

11. The double pice shall be a legal tender for a thirty-second part of a rupee or for half an anna; the pice for a sixty-fourth part of a rupee or for one-fourth of an anna; the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna;

and the pie for an hundred and ninety-second part of a rupee or the twelfth of an anna:

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

12. All silver coin of the weight and standard specified in the Acts No. XVII of 1835 and No. XXI of 1838, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by those Acts, respectively, to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXII of 1844, and No. XVII of 1855, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by these Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything herein contained notwithstanding.

#### VII.—*Diminished, Counterfeit, or Called-in Coin.*

13. When any coin purporting to be coined and issued under the authority of the Government of India is tendered to any person being a public servant as defined by the Indian Penal Code, who has reason to believe it to be diminished whether by reasonable wearing or otherwise, or to be counterfeit, or to be called-in by any proclamation, he shall cut, break or deface such coin, or cause it to be cut, broken or defaced.

14. If any coin so cut, broken or defaced has been diminished otherwise than by reasonable wearing, or is counterfeit, or has been called-in by a proclamation, the person tendering the same shall bear the loss thereof.

But if it has been diminished only by reasonable wearing, or is of due weight, and has been coined and issued by the authority of the Government of India, and has not been called-in by any proclamation, the person cutting, breaking or defacing the same shall receive it at the rate it was coined for.

15. Any dispute whether coin so cut, broken or defaced be diminished in manner aforesaid, or counterfeit, or called-in, shall be heard and finally determined, within the limits of the presidency towns by a Magistrate of Police, and, without those limits, by any person exercising powers not less than those of a subordinate Magistrate of the first class.

16. All public servants are hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force; and no suit or other proceeding

shall be maintained against any such person in respect of anything so done.

### PIII.—Duty on Coinage of Bullion.

17. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin.

Duty on produce of gold bullion.

18. All silver bullion or coin (not being struck at the Mint) which may be delivered into the Mint for coinage, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

Duty on produce of silver bullion.

19. Any person may have his silver bullion or coin converted into halves or quarters of a Government rupee on condition of paying a duty at the rate of one per cent. in addition to the duty of two per cent. imposed under section eighteen.

Additional duty for coining half or quarter rupees.

20. The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

Certificate for produce of bullion.

The Governor General in Council may, from time to time, determine by notification in the *Gazette of India* the period for which such certificates shall run.

21. The proprietor of any gold or silver bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

Withdrawal of bullion.

22. For all gold bullion or coin, equal to, or better than, the standard prescribed for the gold mohur by this Act, which may be brought to the Mint for coinage, a number of gold mohurs coined under this Act, or Act No. XVII of 1835, or of the halves and quarters of such mohurs, equal, as nearly as may be, to the produce of such bullion, shall be returned to the proprietor after deducting the said duty of one per cent.

Equivalent for gold bullion equal to or better than standard.

23. All gold bullion or coin inferior to the same standard, which may be brought to the Mint for coinage, shall, in addition to the same duty, be subject to such charge on account of the loss and expense of refining, together with such deduction on account of the inferiority of standard, as the Governor General of India in Council may, by notification in the *Gazette of India* from time to time, prescribe.

Charge for refining.

### SCHEDULE.

Number and year of enactment.	Title or subject of enactment.
Bengal Regulation II of 1812.	A Regulation for levying a duty on the coinage of silver bullion and on the re-coinage of rupees, and other coins with certain exceptions at the Mints established at Calcutta, Furruckabad, and Benares; for defining the weight and standard of the Benares Rupee; for modifying the rates of duty at present levied in the coinage of gold bullion in the Mint of Calcutta; and also for establishing certain rules for the conduct of the business of the above-mentioned Mints, respectively.
Bengal Regulation XIV of 1818.	A Regulation for altering the standard of the Calcutta sicca Rupee and Gold Mohur, and for further modifying some of the rules in force respecting those coins.
Bengal Regulation V of 1819.	A Regulation for modifying certain parts of the rules in force in regard to the conduct of the business of the Mints subordinate to this presidency.
Act XVII of 1835 ...	Gold and silver coinage.
Act XIII of 1862 ...	An Act to provide for a new silver and a new copper coinage.

### STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to make provision for defacing light-weight, counterfeit and called-in coin. This it proposes to do by three sections (13, 14 and 15), modelled on the Statutes 24 & 25 Vic., c. 95, s. 26, and 33 Vic., c. 10, s. 7.

The opportunity has been taken of consolidating the three Bengal Regulations (II of 1812, XIV of 1818, and V of 1819) and the two Acts (XVII of 1835 and XIII of 1862), in which the law relating to the Mint and the coinage of British India is now contained. The notification of 28th October 1868, as to receiving sovereigns and other gold pieces in payment of sums due to Government, has also been embodied in the Bill. The provisions as to the relative value of the old silver coins and as to contracts for payment of Calcutta sicca rupees, which are found in Act XVII of 1835, have been omitted as obsolete.

J. F. STEPHEN.

SIMLA;  
The 24th May 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.



# The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, AUGUST 6, 1870.

or Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th July 1870, and was referred to a Select Committee with instructions to make their report thereon in one month:—

No. 16 of 1870.

*A Bill to consolidate and amend the law relating to Coinage and the Mint.*

Whereas it is expedient to consolidate and amend the law relating to coinage and the mint; It is hereby enacted as follows:—

Preamble

### I.—Preliminary.

Short title.

1. This Act may be called "The Indian Coinage Act, 1870."

Repeal of enactments.

2. The enactments specified in the Schedule hereto are repealed.

3. In this Act, the expression "Mint" includes the Mints at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council shall, by notification in the *Gazette of India*, from time to time, direct.

### II.—Gold coinage.

Gold coins.

4. The under-mentioned gold coins only shall be coined at the Mint:—

- (1.)—A gold mohur or fifteen-rupee piece.
- (2.)—A five-rupee piece equal to a third of a gold mohur.
- (3.)—A ten-rupee piece equal to two-thirds of a gold mohur.
- (4.)—A thirty-rupee piece or a double gold mohur.

The weight of the said gold mohur shall be one hundred and eighty grains. Their weight and Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure gold, and one-twelfth or fifteen grains of alloy.

The other gold coins shall be of proportionate weight and of the same standard.

### III.—Silver Coinage.

Silver Coins.

5. The under-mentioned silver coins only shall be coined at the Mint:—

- (1.)—A rupee to be called the Government Rupee.
- (2.)—A half rupee.
- (3.)—A quarter rupee, or four-anna piece.
- (4.)—An eighth of a rupee, or two-anna piece.

The weight of the Government Rupee shall be one hundred and eighty grains. Their weight and Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure silver, and one-twelfth or fifteen grains of alloy.

The other silver coins shall be of proportionate weight and of the same standard.

### IV.—Copper Coinage.

6. The under-mentioned copper coins only shall be coined at the Mint:—

- (1.)—A double pice or half anna.
- (2.)—A pice or quarter anna.
- (3.)—A half pice or one-eighth of an anna.
- (4.)—A pie, being one-third of a pice or one-twelfth of an anna.



The copper coins so coined shall be respectively of the following weights:—

A double pice shall weigh two hundred grains Troy.

The pice shall weigh one hundred grains Troy.

The half pice shall weigh fifty grains Troy.

The pie shall weigh thirty-three and one-third grains Troy.

#### V.—Devices on Coins.

7. Until the Governor General in Council shall otherwise order under the power hereinafter conferred, the gold, silver and copper coins coined under this Act shall bear on the obverse the likeness and the name of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India" with such date and embellishments on each coin as the Governor General in Council shall from time to time direct.

8. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he shall think fit.

#### VI.—Legal Tender.

9. No gold coin shall be a legal tender in payment or on account:

Provided that the coins mentioned in section four shall be received in all the treasuries of British India and its dependencies, in payment of sums due to the Government according to the values therein mentioned,

and that sovereigns and half sovereigns of current weight coined at any authorized Royal Mint in England or Australia shall be received in such treasuries in payment of sums so due as the equivalents of such sums respectively as the Governor General of India in Council shall, by notification in the *Gazette of India*, from time to time prescribe.

10. The said rupee and half rupee shall be a legal tender in payment or on account:

Provided that the coin shall not have lost more than two per cent. in weight; and provided it shall not have been chipped or filed, or have been defaced or diminished, otherwise than by use.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the provisions mentioned in this section.

11. The double pice shall be a legal tender for a thirty-second part of a rupee or for half an anna; the pice for a sixty-fourth part of a rupee or for one-fourth of an anna; the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna;

and the pie for an hundred and ninety-second part of a rupee or the twelfth of an anna:

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

12. All silver coin of the weight and standard specified in the Acts No. XVII of 1835 and No. XXI of 1838, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by those Acts, respectively, to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXII of 1844, and No. XVII of 1855, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by these Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything herein contained notwithstanding.

#### VII.—Diminished, Counterfeit, or Called-in Coin.

13. When any coin purporting to be coined and issued under the authority of the Government of India is tendered to any person being a public servant as defined by the Indian Penal Code, who has reason to believe it to be diminished whether by reasonable wearing or otherwise, or to be counterfeit, or to be called-in by any proclamation, he shall cut, break or deface such coin, or cause it to be cut, broken or defaced.

14. If any coin so cut, broken or defaced has been diminished otherwise than by reasonable wearing, or is counterfeit, or has been called-in by a proclamation, the person tendering the same shall bear the loss thereof.

But if it has been diminished only by reasonable wearing, or is of due weight, and has been coined and issued by the authority of the Government of India, and has not been called-in by any proclamation, the person cutting, breaking or defacing the same shall receive it at the rate it was coined for.

15. Any dispute whether coin so cut, broken or defaced be diminished in manner aforesaid, or counterfeit, or called-in, shall be heard and finally determined, within the limits of the presidency towns by a Magistrate of Police, and, without those limits, by any person exercising powers not less than those of a subordinate Magistrate of the first class.

16. All public servants are hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force; and no suit or other proceeding



shall be maintained against any such person in respect of anything so done.

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17. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin.

Duty on produce of gold bullion.

18. All silver bullion or coin (not being struck at the Mint) which may be delivered into the Mint for coinage, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

Duty on produce of silver bullion.

19. Any person may have his silver bullion or coin converted into halves or quarters of a Government rupee on condition of paying a duty at the rate of one per cent. in addition to the duty of two per cent. imposed under section eighteen.

Additional duty for coining half or quarter rupees.

20. The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

Certificate for produce of bullion.

The Governor General in Council may, from time to time, determine by notification in the *Gazette of India* the period for which such certificates shall run.

21. The proprietor of any gold or silver bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

Withdrawal of bullion.

22. For all gold bullion or coin, equal to, or better than, the standard prescribed for the gold mohur by this Act, which may be brought to the Mint for coinage, a number of gold mohurs coined under this Act, or Act No. XVII of 1835, or of the halves and quarters of such mohurs, equal, as nearly as may be, to the produce of such bullion, shall be returned to the proprietor after deducting the said duty of one per cent.

Equivalent for gold bullion equal to or better than standard.

23. All gold bullion or coin inferior to the same standard, which may be brought to the Mint for coinage, shall, in addition to the same duty, be subject to such charge on account of the loss and expense of refining, together with such deduction on account of the inferiority of standard, as the Governor General of India in Council may, by notification in the *Gazette of India* from time to time, prescribe.

Charge for refining.

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Number and year of enactment.	Title or subject of enactment.
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Bengal Regulation XIV of 1818.	A Regulation for altering the standard of the Calcutta sicca Rupee and Gold Mohur, and for further modifying some of the rules in force respecting those coins.
Bengal Regulation V of 1819.	A Regulation for modifying certain parts of the rules in force in regard to the conduct of the business of the Mints subordinate to this presidency.
Act XVII of 1835 ...	Gold and silver coinage.
Act XIII of 1862 ...	An Act to provide for a new silver and a new copper coinage.

### STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to make provision for defacing light-weight, counterfeit and called-in coin. This it proposes to do by three sections (13, 14 and 15), modelled on the Statutes 24 & 25 Vic., c. 95, s. 26, and 33 Vic., s. 10, s. 7.

The opportunity has been taken of consolidating the three Bengal Regulations (II of 1812, XIV of 1818, and V of 1819) and the two Acts (XVII of 1835 and XIII of 1862), in which the law relating to the Mint and the coinage of British India is now contained. The notification of 28th October 1868, as to receiving sovereigns and other gold pieces in payment of sums due to Government, has also been embodied in the Bill. The provisions as to the relative value of the old silver coins and as to contracts for payment of Calcutta sicca rupees, which are found in Act XVII of 1835, have been omitted as obsolete.

J. F. STEPHEN.

SIMLA;  
The 24th May 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.  
for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd August 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 17 of 1870.

*A Bill for repealing certain enactments of the Bengal Code.*

Whereas it is expedient that the enactments mentioned in the Schedules to this Act annexed, which have ceased to be in force otherwise than by express repeal, or have by change of circumstances become unnecessary, or which merely repeal previous enactments, should be expressly repealed; It is hereby enacted as follows:—

1. The enactments mentioned in the first of the said Schedules are wholly repealed and the enactments mentioned in the second of the said Schedules are repealed to the extent specified therein:

Provided that such repeal shall not affect any Regulation or Act in which the repealed enactment has been applied, incorporated, or referred to;

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right, title, or interest already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing;

Nor shall this Act affect any principle or rule of law, or established jurisdiction, practice or procedure, or existing usage, custom, privilege or exemption, notwithstanding that the same may have been in any manner affirmed, recognized or derived by, in, or from, any enactment hereby repealed;

Nor shall this Act operate to revive any jurisdiction, office, usage, custom, privilege or exemption not now existing or in force.

2. Sections thirty-four to forty-four (both inclusive) of Bengal Regulation XIX. 1793, shall be read as if they applied to grants of land termed "Bādshāhī," as well as to the grants of land to which that Regulation refers.

•• NOTE.—The edition of the Regulations referred to is that by Clarke, London, 1854.

SCHEDULE I.

*Regulations wholly repealed.*

No. and year of Regulation.	Title.
Regulation VI of 1793 ...	A Regulation for extending and defining the powers and duties of the Court of Sadr Diwānī Adālat, and prescribing rules for receiving and deciding upon appeals from the Provincial Courts of Appeal.
Regulation XIII of 1793 ...	A Regulation for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective Duties.
Regulation XX of 1793 ...	A Regulation for empowering the Zila and City Courts, the Provincial Courts of Appeal and the Sadr Diwānī Adālat and the Nizāmat Adālat to propose Regulations regarding Matters coming within their Cognizance.
Regulation XXII of 1793 ...	A Regulation for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the 7th December 1792, for the Establishment of an efficient Police throughout the Country.
Regulation XXVII of 1793 ...	A Regulation for re-enacting, with Alterations and Modifications, the Rules passed by the Governor General in Council on the 11th June and 28th July 1790, and subsequent Dates, for the Resumption and Abolition of the Sayer or internal Duties and Taxes throughout Bengal, Behar and Orissa, and for adjusting